

ROCKINGHAM COUNTY



PERSONNEL POLICIES & PROCEDURES MANUAL

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CHAPTER 1
PURPOSE OF THE PERSONNEL POLICIES AND PROCEDURES

1-1 PURPOSE.

The County of Rockingham (hereinafter called County) has established these Personnel Policies and Procedures to provide employees general information concerning policies, procedures and work rules that will help them understand their relationship with the County.

1-2 APPLICABILITY OF THE PERSONNEL POLICIES AND PROCEDURES

- A. These Personnel Policies and Procedures shall apply to all employees of the County, with the following exceptions:
 - 1. Elected officials
 - 2. Non-County employees of the Cooperative Extension Services
 - 3. Contracted individuals
 - 4. Employees under a specific agreement or covered by a collective bargaining agreement, except where that agreement does not govern the subject of a particular policy or procedure
 - 5. Other exceptions that may be mandated by applicable law
- B. While these policies shall serve as a guide, they are not all inclusive. While the views of employees will be sought and considered in personnel policy matters, the administration, interpretation and modification of County policies and procedures shall rest with the Board of Commissioners.
- C. Should any provisions contained herein conflict with any existing federal or state laws, the applicable statute or law shall prevail.
- D. It shall be the responsibility of each employee to acquaint himself/herself thoroughly with the provisions of these personnel policies and procedures and subsequent revisions thereof. Employees are also encouraged to submit their suggestions for changes and improvements to the Employee Advisory Committee so that these policies and procedures may reflect the concerns and interests of the employees they serve.
- E. A copy of this Personnel Policies and Procedures Manual and any rules and regulations affecting the employees and managers shall be available for examination by any employee, candidate for employment or any interested citizen at the Rockingham County Human Resources Department and in each O/DDs office.

1-3 EMPLOYEE ACKNOWLEDGMENT.

Each employee shall be provided with a copy of the Policies and Procedures Manual summarizing the provisions of this manual and shall be required to sign an acknowledgment that the Manual has been received and read. For this purpose, the Director of Human Resources shall prepare an acknowledgment form verifying that the employee has read and understands the Manual. This form, when completed by the employee, shall be filed in the employee's personnel file.

CHAPTER 2 DEFINITIONS

2-1 ANNIVERSARY DATE.

(For Step Increase purposes.) The date on which a person becomes an employee and is placed on the payroll (also known as the Employment Date) until a promotion occurs. Then the Anniversary Date will change to the effective date of promotion. A separation and rehire will also result in a new Anniversary Date. Then the Anniversary Date will change to the new date of hire.

2-2 APPOINTMENT.

Filling a job or position by placing, hiring, assigning or transferring a person by any proper method under these procedures and these policies, except by the elective process.

2-3 CERTIFICATION.

The Act of supplying an appointing authority with the names of applicants deemed qualified for appointment to a vacant position.

2-4 CLASS.

A position or group of positions which are so similar with respect to complexity of duties, responsibilities and authority that they are designated by the same class title and are compensated from the same pay grade.

2-5 CLASSIFICATION.

The assignment of an individual position to an appropriate class/pay grade on the basis of kind of work, duties, and the responsibilities of the position.

2-6 CLASSIFICATION PLAN.

A plan outlining the systematic placing of each position into a class/pay grade on the basis of class specification.

2-7 COMPENSATION.

Salary or wage earned by an employee for work performed in a position to which he/she has been appointed, but does not include reimbursement allowed for expenses incurred in the course of employment.

2-8 COMPENSATORY TIME.

Time off work at the rate of time and one-half in lieu of pay for overtime as provided in the Chapter on Pay Plan and Compensation.

2-9 CONTRACTED.

Personnel who are employed based on specific contracts or agreements with an outside agency to provide a specific service(s). Their employment rights and benefits are governed by the specific contract(s) or agreement(s) rather than the County's Personnel Policies and Procedures, unless otherwise denoted in the contract, agreement or these policies and procedures.

2-10 DEMOTION.

The voluntary or involuntary appointment of an employee to a position in a lower class at a lower pay grade than the position held at the time of such appointment.

2-11 DISCHARGE.

(Also known as Termination) The involuntary and permanent removal from employment for any reason contained in the section titled “Promotion, Demotion, Separation.”

2-12 DISCIPLINARY ACTION.

Any of the following penalties imposed pursuant to the Chapter on Disciplinary Action and Rules of Conduct.

- A. Written letter of counsel
- B. Written reprimand
- C. Suspension with or without compensation
- D. Demotion
- E. Termination

2-13 DIVISION DIRECTOR

(Also referred to as DD). An appointed executive and includes the following positions: the Director of Long Term Care, Director of Human Services, Cooperative Extension Coordinator, Maintenance Director, Corrections Superintendent, Director of Human Resources and the Finance Director.

2-14 ELIGIBLE.

Meeting the minimum education and experience qualifications required for appointment to a position in a particular class.

2-15 ELIGIBILITY LIST.

A list of persons who meet eligibility requirements for appointment to a position.

2-16 EMERGENCY APPOINTMENT.

A non-competitive appointment made for a period not to exceed 30 days to meet an emergency situation to prevent interruption of public business, hazard, or serious public inconvenience, when appointment from an eligibility list is possible.

2-17 EMPLOYEE.

Any person who holds a classified position or is on an authorized leave of absence from such a position.

2-18 EMPLOYEE, PART-TIME.

An Employee whose regularly scheduled workweek is less than 40 hours but 24 or more hours.

2-19 EMPLOYEE, FULL-TIME.

An Employee whose regularly scheduled workweek is at least 40 hours.

2-20 EMPLOYMENT DATE.

The date on which a person becomes an employee and is placed on the payroll.

2-21 EXAMINATION.

Any or all fitness tests that are given to determine the fitness of an applicant for any position in any class.

2-22 FAIR LABOR STANDARDS ACT STATUS.

"Exempt"—Salaried employees exempt from over-time requirements. "Non-exempt"—hourly employees who are eligible to receive overtime pay for hours worked in excess of forty hours in a workweek.

2-23 GRIEVANCE.

An objection which an employee has to any job action of any administrator, official, supervisor, or other on-the-job superior concerning working conditions or his rights as an employee under these personnel regulations, for which objection he seeks redress under the Chapter titled "Disciplinary Action and Rules of Conduct."

2-24 INCUMBENT.

The current holder of a position.

2-25 INITIAL EVALUATION PERIOD:

A test period of one year following initial appointment, promotion, lateral transfer or reappointment during which an employee is required to demonstrate by conduct and actual performance his/her fitness for the position to which they have been appointed. Successful completion results in the employee achieving regular status. For those positions requiring certification, transfer to regular status cannot occur until certification is received. Failure to successfully complete the initial evaluation period shall result in termination. The County may terminate an employee prior to the end of the initial evaluation period or extend the period.

2-26 INTERMITTENT EMPLOYEE:

An Employee whose regularly scheduled workweek is less than 24 hours (including per diem).

2-27 LATERAL TRANSFER:

When an Employee is transferred from one Position to another Position in the same class that does not involve a reduction in scheduled hours. Employees so transferred shall serve an Initial Evaluation Period. Such transfer shall not affect the Employee's Anniversary Date for purposes of Step Increase eligibility.

2-28 LAYOFF.

The separation of an employee because of lack of work or funds to continue the position or other reason not related to fault, delinquency or misconduct of the employee or the employer. The Human Resources Department will keep a list of all employees who have been laid off and are eligible for recall.

2-29 LEAVE.

An authorized absence which has been approved by an official, an administrator or other properly authorized superior.

2-30 OFFICIAL

(Also referred to as O). Elected County officers as follows: County Commissioner, High Sheriff, County Attorney, Register of Deeds and Treasurer.

2-31 ORIGINAL APPOINTMENT.

An appointment of a new employee to a position.

2-32 OVERTIME.

Hours a non-exempt employee is directed and authorized to work in excess of 40 hours in a workweek. Holidays will be counted in the 40 hours.

2-33 PAYROLL CHANGE NOTICE.

Document used to make to an employee's payroll record; e.g., rate of pay change, home address, title change, etc.

2-34 PAY PLAN.

The schedule of compensation for all classes in the classification plan, including any successive pay-rate steps established for each class. All positions classified in the same class will be paid according to the salary range established for that class.

2-35 PERSONNEL ACTION.

A decision that affects any aspect of an employee's status including but not limited to appointment and change in appointment, transfer, promotion, demotion, change in working hours, reclassification, resignation, discipline, suspension, termination, layoff, involuntary leave, step increases, pay status, evaluation.

2-36 POSITION.

A job to be performed by one person consisting of a group of written duties and responsibilities classified herein under a class title.

2-37 PROMOTION.

The transfer of an employee from a position in one class to a position in another class having a higher maximum pay range.

2-38 PROMOTIONAL EXAMINATION.

An examination to test the minimum qualifications of an employee for a promotion.

2-39 PROVISIONAL APPOINTMENT.

A non-competitive, provisional appointment, authorized by the appropriate O/DD, for a period not to exceed six months when no appropriate eligibility list is available. The person with a provisional appointment, as defined in this section, must meet the minimum qualifications contained in the class specification for the position and is not entitled to any of the benefits. Anyone on layoff status should be given first consideration for provisional appointment.

2-40 RECLASSIFICATION.

The reassignment by the Board of Commissioners of a position in one class to another class having a different pay range.

2-41 SEPARATION.

The involuntary removal or resignation from employment for any reason.

2-42 STEP INCREASE.

A one-step increase in compensation within the class in which the position is classified.

2-43 **SUSPENSION.**

An involuntary absence with or without compensation imposed upon an employee as a disciplinary action under the chapter on Disciplinary Action or Rules of Conduct, or pending final outcome of a disciplinary action appeal in the Grievance Procedure chapter.

2-44 **TEMPORARY APPOINTMENT.**

The appointment of a person to a position or special and/or specific task for a period not to exceed six months. The temporary appointment must be made from an appropriate eligibility list, if available. Any person holding this appointment is not entitled to benefits. Anyone on layoff status should be considered if he/she meets the minimum qualifications for the position.

2-45 **TEMPORARY EMPLOYEE.**

An employee who has a temporary appointment.

2-46 **TEMPORARY POSITION.**

A job to which an employee receives a temporary appointment.

2-47 **TERMINATION.**

The involuntary and permanent removal from employment for any reason contained in the section titled "Promotion, Demotion, Separation."

**CHAPTER 3
EQUAL EMPLOYMENT OPPORTUNITY**

3-1 **PURPOSE.**

This policy sets forth the commitment of Rockingham County to equal employment opportunity and ensures compliance with federal and state laws and regulations in these areas.

3-2 **POLICY OF EQUAL EMPLOYMENT OPPORTUNITY.**

The Board of Commissioners and all members of management are committed to the spirit and letter of equal employment opportunity.

- A. The County accepts its obligation as a member of the community-at-large and as a government employer to exercise an active and positive system of non-discrimination in all areas of employment. To that end, Rockingham County shall assure that all persons receive equal employment opportunities and access based on qualifications and merit without regard to race, color, religion, sex, sexual orientation, disability, marital status, pregnancy, age or national origin. Equal employment opportunities include, but are not limited to: employment, recruitment, recruitment advertising, training, selection for training, promotion, demotion, transfer, rate of pay, other compensation, benefits, layoff, termination and other matters of employment.
- B. Employment decisions have been and will continue to be based solely upon job-related criteria and requirements and an individual's related qualifications. In communicating employment opportunities to applicants, employees, customers, vendors and others, Rockingham County will continue to emphasize that employment opportunities are made available in accordance with this policy.
- C. Employees shall be free from coercion for any partisan political purposes. Employees are prohibited from using official authority or position for the purpose of seeking to interfere with or affect the result of an election or a nomination for public office.

3-3 HARASSMENT/ ANTI-DISCRIMINATION POLICY

A. Harassment/Employment Discrimination Prohibited

The County prohibits all forms of harassment and illegal employment discrimination in the workplace. Sexual harassment may include, but is not limited to, explicit sexual propositions; sexual innuendoes; suggestive comments, sexual teasing, or practical jokes; foul or obscene language; inappropriate emails, pictures or gestures; and unwelcome physical contact. Both men and women can be victims of sexual harassment. Other forms of harassment or illegal discrimination may include, but are not limited to, inappropriate jokes; offensive behavior; inequitable treatment; retaliation; or unfair employment practices (e.g. hiring, advancement, discipline, or firing) on the basis of the victim's membership in a protected class (e.g. age, sex, race, color, religion, disability, marital status, sexual orientation, etc). While the intent of the parties, the frequency, the severity and the impact of the conduct at issue are considered, the County strives to keep the workplace as free from such conduct as possible. In short, the County seeks to maintain a professional workplace, and conduct or behavior inconsistent with or in violation of this policy and standard will likely result in discipline, including the possible termination of employment.

B. Individuals and Conduct Covered

All employees of the County are covered by this policy and complaint procedure. Further, if the conduct or behavior involves a patient, client, vendor or any person dealing with employees at the County, the O/DD or Human Resources should be promptly advised of the matter so the County can attempt to correct or remedy the situation.

C. All Complaints or Concerns Should be Reported Immediately

The County wants to be aware of these matters as soon as they arise so they can be effectively addressed and resolved before anyone suffers any adverse employment consequences arising out of or as a result of the alleged wrongful conduct. Please be sure to bring these matters to the attention of the representatives listed below.

All incidents of possible sexual harassment or other forms of illegal discrimination should be reported immediately to the O/DD or HR Director, and the matter will be promptly investigated. When reporting the matter (either orally or in writing, including email), as much as possible, but without delay to reporting the matter, please state specific details of the alleged sexual harassment or other illegal discrimination (e.g. who was involved, what happened and when it happened).

D. Retaliation Also Prohibited

The County prohibits retaliation, against anyone who has reported sexual harassment or any form of illegal discrimination, and against anyone who in good faith has participated in an investigation of these matters. Reports of suspected retaliation should likewise be promptly directed to the representatives listed here.

E. Investigation/Fairness/Confidentiality

To the fullest extent possible, the County will try to keep complaints, the terms of their resolution, and information obtained during the course of its investigation confidential. Employees accused of sexual

harassment or other illegal discrimination shall be given sufficient information about the allegations to provide them a reasonable opportunity to respond before any corrective action or discipline is imposed.

F. Action Will be Taken

There are absolutely no exceptions to the County's Harassment/ Anti-Discrimination policy. The County will actively investigate all allegations of sexual harassment and illegal discrimination. If it is determined that sexual harassment or unlawful discrimination has occurred, Management will take appropriate disciplinary action(s), which may include the termination of employment of all wrongdoers or the modification/ termination of business relationships if the person is not an employee of Rockingham County.

G. Contact With Any Questions

Please contact the Human Resources Director at 603-679-9337 ext 9337 or email HRDept@co.rockingham.nh.us with any questions.

3-4 AMERICANS WITH DISABILITIES ACT POLICY.

It is the policy and practice of Rockingham County to comply fully with the Americans with Disabilities Act (ADA) and ensure equal employment opportunity for all qualified persons with disabilities. Rockingham County is committed to ensuring non-discrimination in all terms, conditions and privileges of employment. All employment practices and activities, whether provided or conducted by Rockingham County or any other entity on the County's behalf, will be conducted on a non-discriminatory basis.

- A. Recruiting, advertising and job application procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Upon request, applications are available in alternative, accessible formats, as is assistance in completing the application.
- B. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position, not any disabling condition. Pre-employment physical examinations are required for all positions and are given to all persons only after conditional job offers. Medical records will be kept separate and confidential.
- C. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation or changes in compensation, as well as in job assignments, classifications, organizational structures, position descriptions, lines of progression and seniority lists. Leave of all types will be available to all employees on an equal basis.
- D. All fringe benefits, whether provided or administered directly by Rockingham County or another entity on our behalf, must be accessible to persons with disabilities. Training, apprenticeship programs, conferences, professional meetings, as well as financial support and leave time will be available to all employees. Recreational and social activities sponsored by Rockingham County will be accessible to all employees.
- E. Rockingham County is also committed to not discriminate against any qualified employee or applicant because he or she is related to or associated with a person with a disability. Rockingham County will follow any state or local law that provides individuals with disabilities greater protection than the Americans with Disabilities Act.

- F. This policy is neither exhaustive nor exclusive. Rockingham County is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state and local laws.
- G. Complaints regarding administration of this policy should be filed in accordance with the County Grievance Procedure.

CHAPTER 4 ADMINISTRATION OF PERSONNEL

4-1 COUNTY MANAGEMENT TEAM.

The County Management Team shall be composed of the Board of Commissioners, High Sheriff, County Attorney, Register of Deeds, County Treasurer, Director of Long Term Care, Corrections Superintendent, Maintenance Director, Finance Director, Human Services Director and a representative of the Rockingham County employees selected by the Employees Advisory Committee. The County Management Team shall recommend additions, modifications or deletions to personnel policies, regulations and procedures for action by the Board of Commissioners.

- A. The County Management Team shall select its own Chair by a majority vote. The Board of Commissioners shall be responsible for the maintenance and enforcement of the policies and procedures governing employee/employer relations and Rockingham County personnel. The Director of Human Resources will serve as the coordinator and facilitator for the Rockingham County Management Team. The Director of Human Resources will, however, continue to be supervised by and report to the Board of Commissioners.
- B. These provisions are not intended to diminish the authority granted to elected officials under New Hampshire Law.

4-2 DIRECTOR OF HUMAN RESOURCES.

The Board of Commissioners may in its discretion delegate all or part of the operation and administration of the personnel system to a Director of Human Resources.

4-3 OFFICIALS AND DIVISION DIRECTORS

(also referred to as "O/DDs). O/DDs shall be responsible for the appointment, retention, transfer, promotion, discipline and separation of employees in their respective departments in accordance with these procedures and policies. They are expected to supervise their employees; to report on the efficiency and performance of their subordinates; to notify the Director of Human Resources of changes in the duties and responsibilities of their employees in order that the plan of employee classification will be maintained; and to provide the Director of Human Resources with all documentation relative to an employee's appointments, retention, transfer, promotion, discipline, evaluation, salary changes or any other records to be included in the County personnel file.

- A. O/DDs shall, as indicated, recommend to the County Management Team desirable changes in the personnel policies and procedures to improve the administration of the personnel system.
- B. O/DDs may establish such rules as are deemed necessary for the efficient and orderly administration of their respective departments. Such rules must be reviewed by and be on file with the Director of Human Resources before becoming effective, and they must be consistent with these personnel policies and procedures. Copies of department rules must be made available to the employees in the office of the O/DDs responsible for them.

C. O/DDs may delegate in writing any or all of the above enumerated responsibilities to subordinates, as the O/DDs may deem advisable. The O/DDs, however, ultimately remain accountable.

4-4 EMPLOYEE ADVISORY COMMITTEE.

It is the policy of Rockingham County to solicit the ideas, suggestions, views and concerns of employees by providing the opportunity to speak at regular Employee Advisory Committee meetings. The purpose of this committee is to increase employee morale, improve work quality, efficiency, productivity and quality of work life in general, and to improve and facilitate communications with employees.

- A. Representatives to this committee include only non-bargaining-unit employees.
- B. The following departments will elect one part-time or full-time employee who has completed the initial evaluation period of employment as their representatives to the Employees' Advisory Committee annually on or about June 1 for a term of one year. If an elected member cannot fill his/her term, the applicable department will hold a special election to fill the remaining time of said term.

Commissioners' Office/Finance/Human Resources/Delegation Office (1)

Human Services Department (1)

Register of Deeds Office (1)

County Attorney's Office (1)

Maintenance Department (1)

Sheriff's Department (1)

Corrections Department (Non-Union employees) (1)

Extension Office (1)

Rockingham County Long Term Care Services Department:

Administration Offices (Nursing Office, Medical Records,
Social Services, MIS/Telecommunications) (1)

Adult Medical Day Care (1)

Physical Therapy (1)

Occupational Therapy (1)

Food Services (1)

Environmental Services (1)

Nursing Department - two from each shift (6)

Licensed Staff (3)

Licensed Nursing Assistants/Ward Aides (3)

Assisted Living (1)

- C. Representatives may ask questions, express their views and make suggestions in their capacities. The representatives have the responsibility of representing those who voted for them by presenting their concerns and comments and reporting back to said group following each meeting.
- D. County employees may attend these meetings and, when properly recognized, address the committee. Employees are encouraged to present their ideas, suggestions, views and concerns to management through their representative at these meetings. Management will also use these sessions as a forum for communicating information to employees about County operations and so forth.
- E. Topics appropriate for discussion at these sessions generally include matters involving workplace efficiency, quality, productivity, operation problems, safety issues, general working conditions and other administrative issues. These meetings are not a forum for discussing grievances or labor

disputes. These issues should be handled through the proper grievance procedures. In addition, certain topics (e.g., wages and work hours) should not be raised at such sessions. Employees may address these issues in individual discussions with their supervisors, O/DD or the Director of Human Resources.

- F. To maximize the benefit of each session, attendance will be taken and any member missing two regularly scheduled sessions in a row will be replaced by special elections. Representatives will be compensated at the applicable rate of pay for the time spent participating in a session.
- G. A summary of the items discussed on the posted agenda and issues raised at each session will be prepared by the Chair of the Employee Advisory Committee for circulation to each of the representatives for posting in each department. Copies will be forwarded to appropriate officials and Division Directors for their review and comments on the issues raised during the meetings. Management may take action on the basis of these issues, as it deems appropriate.
- H. The Chair of this committee will be elected annually by the membership and he/she will be the employees' representative to the County Management Team with voting privileges.
- I. An employee may bring any concern they have on the execution of his/her disciplinary action or grievance procedure to his/her representative or any other County employee for consultation and advice. The representative or other selected employee in reviewing the issue will advise the employee on the merit of his/her concerns and work with the employee to insure that it is reviewed by the next highest level in the chain of command as outlined in the policies and procedures. The representative or any other selected County employee may also act, if so requested by the employee, as an advocate for the employee during any future meeting to assist him/her, when needed, in presenting his/her case.

CHAPTER 5 CLASSIFICATION SYSTEM

5-1 PURPOSE.

The purpose of the classification plan shall be to establish qualification standards for recruitment and examination purposes; provide for a means of analyzing and establishing work distribution, areas of responsibility, lines of authority and promotion and other relationships between positions; assist in determining budget requirements; provide a basis for developing standards for work performance; establish awareness of training needs; and provide uniform titles for positions.

5-2 ADMINISTRATION OF THE CLASSIFICATION PLAN.

The proper classification of all positions is the responsibility of the Director of Human Resources.

5-3 RECLASSIFICATION

- A. When a position has changed substantially as to kind or level of work, the O/DD or the employee may initiate a request for change in classification by submitting a written request to the Director of Human Resources, accompanied by a proper description of the work being performed. If the Director of Human Resources determines that the position has changed substantially, such reclassification will be considered by the Board of Commissioners.
- B. In the event the Board of Commissioners recommends reclassification, such recommendation shall be forwarded to the Executive Committee for action at a time designated by the Board of Commissioners. If adopted by the Executive Committee, the reclassification will be considered a

change in the position and the rules and pay policies of the new classification will apply. If funds are not available to effect the reclassification, the reclassification shall be deferred until such funds become available.

- C. Once approved, reclassification will be effective on the employee's anniversary date and the rate of pay will be determined by giving the employee his/her step increase (if warranted) and compensating the employee at the next highest step in the new class. If a step increase is not warranted, the pay plan adjustment percentage, if any, will be applied to the current rate of pay and the employee will be compensated at the closest rate of pay in the new class.

CHAPTER 6 PAY PLAN AND COMPENSATION

6-1 POLICY.

It is the policy of Rockingham County to have a uniform and equitable pay plan, which shall consist of minimum and maximum rates of pay for each class of positions, and such intermediate steps as are deemed equitable.

6-2 MAINTENANCE OF THE PLAN.

The Director of Human Resources, with the approval of the Board of Commissioners, shall be responsible for the development and maintenance of the pay plan. Factors to be considered in setting a sound pay plan will include: ranges of pay in other classes; cost of living; prevailing rates of pay for similar work in the community; other benefits received by employees; and the ability of the County to recruit and retain competent personnel.

6-3 NEW EMPLOYEE RATES.

An employee newly appointed to a position should normally be compensated at the minimum rate of pay or salary (Step 1) for the class in which the position falls. However, O/DDs may direct a rate/salary above the minimum step (Step 1) if warranted. In no event shall an appointee receive a rate/salary above that designated for Step 5. If it is determined that an appointment cannot be made because Step 5 of the position is not competitively classified, a review will be conducted by the Director of Human Resources and the O/DD in a timely manner and, if appropriate, a request for reclassification will be made before the Board of Commissioners.

6-4 STEP INCREASES.

Step increases within a pay range are not automatic, but require the certification of the supervisor that an employee is performing at a minimum to outstanding level of competence. This shall be defined as a score of 75% or more. The eligibility date shall be the anniversary date each year. In addition, to be eligible, the employee must have actually worked at least 50% of their normally scheduled hours in the anniversary year. For example: Full time employee 2080 hours 50% = 1040 hours; part time employee 32 hours per week 1664 hours, annually 50%= 832 hours; 24 hours per week, 1248 hours, annually 50% = 624 hours. Any time spent in a leave-without-pay status shall not count in computing eligibility for step increases, as provided below.

The following factors shall not affect employee eligibility for step increases:

- A. Pay adjustment resulting from a wage survey
- B. Lateral transfer within a class

- C. Workers' Compensation Leave
- D. Military leave caused by a local or national emergency
- E. A period of paid leave
- F. Reclassification to a class of the same or lower pay scale
- G. Family Medical Leave Act leave

6-5 DENIAL OF STEP INCREASES.

The denial of a step increase does not always mean less than minimum performance. If funding is not available, O/DDs may refuse to authorize a merited increase. However, if an O/DD finds that an employee is performing at less than a minimum level, the step increase may be withheld until the employee is performing at a minimum level or above.

6-6 REAPPOINTMENT RATE.

An employee, reappointed to the same position within a one-year period, shall be reappointed at the same grade and step held at his/her separation. The employee will have an initial evaluation period in this position and, if regular status is achieved, the date of reappointment will become his/her anniversary date.

6-7 PROMOTION RATE.

Upon promotion to a new classification, the employee's compensation shall be at the step in the new classification which at least provides an increase equal to the next higher pay step in the employee's previous classification, or up to Step 5. The promoted employee shall have an initial evaluation period; however, the employment date shall not change.

6-8 LATERAL TRANSFER RATE.

When an employee is transferred from one position to another in the same class/wage or salary schedule, the employee shall continue to be paid at the same rate, unless the hiring O/DD determines that his/her credentials merit an increase. However, the New Employee Rates policy shall apply for all positions. Employees transferred shall have an initial evaluation period; however, the employment date shall not change.

6-9 DEMOTION RATE.

When an employee is demoted to a lower grade, his or her salary shall be set at the step in the lower grade as determined by the O/DD. Employees demoted shall have an initial evaluation period; however, the employment date shall not change.

6-10 TEMPORARY ASSIGNMENT OUTSIDE CLASSIFICATION RATE.

A. Higher Minimum Rate. When an employee is temporarily assigned to a position in a class with a higher minimum rate of pay for at least one day, the O/DD shall grant a pay increase to the starting step of that class or the next higher pay step, which provides a pay increase for the duration of the temporary assignment. Written notice from the employee's present and future supervisors requesting the temporary assignment and pay change shall be forwarded to the Director of Human Resources and O/DD prior to the effective date but no later than the effective date. This notice shall be filed in the employee's personnel file to show experience in a different class that may add significantly to the employee's total qualifications. Provisions of this section shall not apply if the employee's position description stipulates that the employee shall assume responsibility for the higher classification.

B. Same Or Lower Minimum Rate. When an employee is temporarily assigned to a position in another class with the same or lower minimum rate of pay, his/her pay during the temporary assignment shall remain the same.

6-11 LONGEVITY PAY.

Each full-time and part-time employee who has completed the required number of years of employment by December 31 shall be entitled to longevity payment in the first payroll period in December of each year according to the following schedule:

- A. Five years \$150
- B. Ten years \$300
- C. Fifteen years \$450
- D. Twenty years \$750
- E. Twenty-five years \$1,000

6-12 LONGEVITY PAY AT RETIREMENT.

Each full-time and part-time employee who is retiring under Social Security and/or NH Retirement System and leaving employment with the County shall be eligible for Longevity Pay at the time of the employee's separation. This shall be calculated as of the employee's employment date. Payment shall be issued with the final check.

6-13 LONGEVITY PAY AT TIME OF A LAYOFF.

Each full-time and part time classified employee who is laid off shall be eligible for Longevity Pay at the time of the employee's separation. This shall be calculated as of the employee's employment date. Payment shall be issued with the final check.

6-14 SHIFT DIFFERENTIAL.

Rockingham County employs individuals that work in positions requiring 24 hour coverage, divided into multiple shifts. An employee filling a position on any one of these shifts, who regularly works hours that do not include a shift differential, shall be paid a differential if their hours extend onto another shift. No differential will be paid for hours worked on a weekday first shift (including hours worked by a second or third shift employee during a 7 am – 3 pm shift).

A. Weekend Differential.

- 1. Positions that require twenty-four hour coverage shall be paid a differential for all weekend hours worked. The weekend hours are defined as 7:00 am Saturday to 7:00 am Monday.

6-15 OVERTIME.

Overtime may be paid out in compensation or accumulated in compensatory time for time worked in excess of 40 hours per week, as described in this policy. This policy applies only to non-exempt employees.

- A. The O/DD or his/her designee must approve all overtime worked by a non-exempt employee.
- B. Overtime will occur when an employee's hours worked, plus holidays or accrued holiday time used, if applicable, exceed 40 hours in a workweek. Earned time or other paid leaves will not be counted as hours actually worked in the calculation of overtime.
- C. Overtime pay will be calculated at 1½ times the employee's regular hourly rate. However, if the employee is receiving a shift differential for the overtime hours, that will be the rate on which the

overtime pay is calculated. (Ex. 10.00 Regular Rate of Pay + \$1.25 Shift Differential = \$11.25/hour x 1.5 for Overtime calculation = \$16.88/O.T. hour.)

- D. If an employee takes paid leave for five days in a work week and then works the sixth day, the O/DD will decide whether to pay the employee for 48 hours at his regular hourly rate or for 40 hours at his regular hourly rate with a credit of one day of paid leave.
- E. In the event of an emergency, the O/DD may authorize overtime for time worked in excess of eight hours in a day. All emergency overtime shall be reported to the Board of Commissioners on a weekly basis, specifying the date(s) and nature of the emergency(s) and the number of employees and overtime hours worked. No employee will be paid twice for the same overtime. Employees working emergency overtime will receive overtime pay and will not be eligible for compensatory time.
- F. Compensatory time may be granted by the O/DD in lieu of overtime pay, as follows (except for the Long Term Care Services Department):
 - 1. Prior to the performance of any work for compensatory time, the employer and employee must come to an agreement on the accrual and use of the compensatory time. (Ref RSA 275:43).
 - 2. Compensatory time is accrued at 1½ times the overtime hours. (Ex. Overtime Hours = 5 x 1.5 = 7.5 Hours Comp Time).
 - 3. The O/DD shall grant the employee's request for use of authorized, accrued compensatory time within a reasonable period of time, unless to do so would disrupt the operations.
 - 4. It is not the County's intention to allow anyone to reach the maximum levels. Anyone who accrues 80 hours of compensatory time will not be allowed to work any additional overtime hours until approval is given by the Board of Commissioners.
 - 5. The amount of accrued compensatory time is limited to 480 hours (1½ x 320) for public safety employees (law enforcement, firefighting or related duties) or emergency response employees (dispatching or emergency vehicles and personnel, rescue work and ambulance service. The amount of accrued compensatory time is limited to 240 hours (1½ x 160) for all other employees.
 - 6. At the end of employment for any reason, the employee will be paid for unused compensatory time at the final regular rate received by said employee.

6-16 CALL-IN.

Coverage

Hourly, nonexempt employees are covered in this policy.

Purpose

This policy addresses the situation where O/DD's or supervisors may request that Rockingham County provide "Call-In" compensation to an employee who responds to a Call-In during off-duty hours to come in to work to perform unforeseen or emergency tasks.

Call-In Pay

A "Call-In" is defined as an unscheduled request made by an appropriate management official for an hourly employee to return to the employment location to do unforeseen or emergency work after leaving the location at the end of the regular shift and before the beginning of the next regularly scheduled shift to be worked.

Procedures

1. The O/DD's will define the departments and job titles eligible for Call-In pay, based on operational needs.
2. The department head or supervisor of each designated department will decide specifically which employee(s) in each job title will be assigned to Call-In time and receive the additional compensation. These decisions should be made fairly and equitably using work, skill related factors and in accordance with any Collective Bargaining Agreements.
3. Call-In status may begin upon an employee's response to a Call-In for work between the time an employee has completed their regularly scheduled shift and begins their next regularly scheduled shift to be worked.
4. Employees must record their time worked in the usual manner.
5. The O/DD's or department heads will ensure the employee is paid correctly for Call-In.

Payment

- A. **No work available.** If an employee accepts a Call-In and reports to work and no work is available, he or she will be paid a minimum of three hours at 1.5 times his or her first shift base rate and sent home. The three Call-In hours will not reduce the use of accrued time.
- B. **Work is available.** If an employee accepts work after properly reporting to a Call-In, the employee is expected to work and should be paid for the time worked or a minimum of three hours, whichever is greater. Call-In hours worked will be paid at 1.5 times the rate for the shift worked. Call-In hours not worked will be paid at 1.5 times his or her first shift base rate. Shift differentials will only apply to Call-In hours worked. Call-In hours will not reduce the use of accrued time. Call-In hours worked will be included in the calculation towards overtime pay.
- C. **Shift Premiums.** Applicable shift premiums will be paid for all time worked during the Call-In shift.

6-17 CHANGES IN THE LAW.

If state or federal law mandates a higher minimum wage or a lower maximum workweek, such law shall take precedence. The converse will not hold. Not all minimum wage laws are applicable to the County. The key word is "applicable." The United States Department of Labor and the New Hampshire State Department of Labor are the proper authorities for determining federal and state requirements.

CHAPTER 7 HOURS OF WORK

7-1 HOURS OF WORK.

O/DDs are responsible for establishing the hours of work for their respective departments. The County's Long Term Care Services and Engineering and Maintenance Departments' workweek is Sunday through Saturday. All other County departments have a workweek of Monday through Sunday.

7-2 ATTENDANCE

- A. O/DDs shall be responsible for ensuring employees in their respective department record

their attendance and absences in accordance with the procedures/format authorized by the County Commissioners and maintained by the Finance Director. These records shall be reviewed at least bi-weekly. The records shall note all time scheduled and worked, time scheduled and absence from duty, including the use of Sick Pool Days, Holiday, Bereavement, Jury Duty, or Earned Time for said scheduled duty. The record shall also indicate all scheduled or unscheduled leave time.

- B. All employees are required to notify their supervisors of any anticipated absence prior to the start of their workday. Failure to do so may forfeit the days' shift pay.
- C. Employees must work pursuant to their time schedules established by the O/DD for the convenience of the County, not the employee.
- D. Any employee who fails to report for duty when scheduled on a weekend shall be required to make up that day the following weekend. Exceptions are granted to any employee who returns to work with a note from a physician, physician assistant, or nurse practitioner or if granted specifically by the O/DD.
- E. Employees who are absent three days or more due to illness and return to work must submit a note to their supervisor from a physician, physician's assistant or nurse practitioner stating that the employee was medically incapacitated for work but is now medically fit to return to duty.
- F. *Abuse of the unscheduled absence privilege will constitute misconduct subject to disciplinary action. Abuse of this privilege is defined in the Earned Time Policy.* Facts to show that abuse has occurred shall be determined from all the circumstances of the case, including but not limited to:
 - 1. Use of unscheduled absences unsupported by a physician's note
 - 2. A discernible pattern of unscheduled absences, such as the same day each week or each month
 - 3. Occasions when the employee, although claiming illness, is seen under circumstances that suggest good health
 - 4. Any other circumstances that are suspicious or questionable
 - 5. Unscheduled absences for four or more days over a three (3) month period, other than when the employee is on a leave; this type of abuse shall result in a warning that the employee has abused the unscheduled absence policy.
- G. All discipline shall provide the opportunity for the employee to correct the possible abuse of the policy. The employee shall be notified of any possible disciplinary action that may take place should the employee fail to show improvement during the next quarter. Should any employee receive a warning he/she disputes, he/she may follow the grievance procedure. However, chronic abuse of the unscheduled absences privilege may be used as a basis for termination. Any exceptions to this policy shall require the approval of the Board of Commissioners.
- H. No employee shall be reprimanded for poor attendance due to time taken for an authorized leave. This time shall not be included in the above-mentioned definition for attendance warnings; however it shall be recorded as noted above.
- I. Assignment of overtime, including double shifts, may not be authorized for individuals who have established a pattern of using unscheduled absences within that same pay period.

7-3 CHILD LABOR LAWS.

Applicable child labor laws shall control should a dispute arise involving the employment of persons prior to reaching the adult legal age.

7-4 MEAL PERIODS.

A meal period shall be reserved for each employee at times designated by the O/DD. It shall normally be

one-half hour. The O/DD may include the mealtime in computing the total working hours of an employee.

7-5 WEATHER EMERGENCIES.

Rockingham County has many departments that operate 24 hours per day/seven days per week with a responsibility to protect those in the County's care. In order for the facilities to operate efficiently, the Board of Commissioners may declare a weather emergency as necessary.

- A. Each O/DD shall identify each of the positions in their department as being essential or non-essential. This list shall be provided to the Human Resources Department annually, with additional changes provided as necessary.
- B. Essential Personnel. Essential personnel shall report for duty as assigned. Essential personnel who do not report for duty shall not be paid for the day unless, due to illness, the employee cannot report. If the employee is ill, a note will be required from a physician in order to use accrued time. For each Weather Emergency the Board of Commissioners will determine if any essential employee, who reports late for duty, will be compensated without having to use accrued time. All applicable employees will be informed via inter-office memorandum.
- C. Non-essential personnel. If authorized by their O/DD, non-essential personnel who do not report for duty may use accrued time during a weather emergency in lieu of an unpaid day. O/DDs have discretion to allow their non-essential personnel to arrive late or depart early depending on weather conditions, with use of accrued time.

7-6 BREAKS FOR NURSING MOTHERS.

An Employee may take reasonable breaks for the purpose of expressing breast milk for her nursing child for one year after the child's birth each time such Employee has a need to express the milk. The County will provide a location that is shielded from view and free from intrusion from coworkers and the public.

- A. The Employee may take a reasonable break each time she has the need to do so. Breaks that run concurrently with regularly scheduled breaks will be paid. Any additional breaks taken during the Employee's scheduled shift will be unpaid, or require the use of accrued Earned Time. Employees are required to punch in and out for these additional breaks.

CHAPTER 8 LEAVES

8-1 GENERAL POLICY.

Leave is any absence from regularly scheduled work hours. All requests for leave will be submitted to the Employee's O/DD or their designated representative to seek approval for such leave. Leave may be with or without pay and shall be granted in accordance with these rules, with applicable law, with the work requirements of the department and, whenever possible, with the personal desire of the Employee. Employees will not accrue any Earned Time or Holidays after 30 calendar days of any leave of absence. Earned Time will not be accrued for the month if the thirtieth day of leave occurs before the fifteenth day of the month and for any subsequent months while on continuous leave. Upon return from a leave greater than thirty days, Earned Time will be accrued for that month if the return date is on or before the fifteenth day of that month. Accrued Time usage may not be requested by an

Employee upon notice of resignation for the purpose of extending an Employee's last day of employment.

8-2 EARNED TIME.

Part-time and full-time employees accrue Earned Time. Earned Time is an alternative approach to the traditional manner of earning paid time off for vacation, personal days and sick leave. Instead of dividing benefits into a specific number of days for each category, Earned Time puts these days together into a single benefit. Earned Time days can be used for a variety of purposes, including a payment in cash based on the formulae set forth below at the time of voluntary termination. Bereavement Leave, Holidays and Jury Duty are provided as separate benefits.

A. The accrual rates for full-time employees is set out below:

Years of Service	Hours Accrued per Month	Accrued Days per Year
0 thru 4	14.65	21.98
5 thru 9	18.00	27.00
After 10	21.36	32.04

B. The accrual rate for part-time employees is on a prorated basis. Part-time employees accrue Earned Time based on regularly scheduled biweekly hours worked, or in pay status up to those hours budgeted for the position (other non-status hours worked and supplemental compensation, such as overtime, are excluded) and on years of service, as referenced above, to the County.

C. Years of service will be calculated from the employment date in a benefits-eligible position and in accordance with applicable law. However, a retiree whose break in service from the County is less than thirty calendar days will have his/her service bridged for purposes of computing Earned Time accrual.

D. 1. As of December 31, 2007 employees who were hired on or prior to December 31, 2004; may accrue up to 10 pay periods of Earned Time based on their regularly scheduled biweekly work hours. All those employees with an Earned Time balance greater than 100 days as of December 31, 2007 shall have all days in excess of 100 placed in an excess account for use as the employee requests and the O/DD approves; however, this time will not be paid out at termination or any other time. The employee will have the option of moving anything over sixteen (16) work weeks to the excess account on this date. Earned Time will not accrue over 100 days in any employee's regular account from December 31, 2007 forward.

2. As of December 31, 2007, employees who are hired on or after January 1, 2005 may accrue up to 6 pay periods of Earned Time based on their regularly scheduled biweekly work hours.

Earned Time Chart 1 Illustrative Example

Hired on or before 12/31/04

Hours worked biweekly	Days	Hours Cap	Pay periods
80	100	800	10
72		720	10
68		680	10
64		640	10
56		560	10
48		480	10

Earned Time Chart 2 Illustrative Example

Hired on or after 1/1/05

Hours worked biweekly	Days	Hours Cap	Pay periods
80	60	480	6
72		432	6
68		408	6
64		384	6
56		336	6
48		288	6

* Please note that any other benefit eligible schedules not defined in the above, will be calculated by taking an employee's number of regularly scheduled biweekly hours and multiplying by ten pay periods (for those hired on or before 12/31/04) or six pay periods (for those hired on or after 1/1/05).

3. It is the employee's responsibility to monitor their regular Earned Time account and comply with the requirements of this policy. However, Department Heads are responsible for tracking the balance to ensure that no employee is being approved for Earned Time that they do not currently have in their accrued balance. No employees will be allowed to go into a negative Earned Time balance.

E. Usage

1. Earned Time may be used after being earned, including during an Employee's Initial Evaluation Period.
2. Planned absences shall be defined as day(s) of absence when an Employee has the ability to control the day he/she requested or has advance notice of the need to take time off. Planned absences require advance notice of a minimum of two weeks or from the earliest date possible if less than two weeks. It is expected that all planned absences will be mutually agreed upon by the Employee and his/her supervisor prior to the date of absence and recorded in the County's time and attendance system. Supervisors must approve or deny requests for planned absences within 72 hours. Examples include vacation, personal recreation, physician and dentist appointments of a non-emergency nature, attendance at events that provide for advance planning and scheduled or elective surgery. Typical situations, which normally would prohibit advance notice, include accidents, sudden illness and household disasters.
3. Failure to provide adequate notice may result in denial of the use of Earned Time.
4. Earned Time may be used in units of one-quarter hour or more.

F. Minimum Usage. For Full-Time Employees, the minimum usage per year is set out below. Minimum usage is prorated for Part-Time Employees.

<u>Years of Service</u>	<u>Minimum Usage of Hours Per Year*</u>	<u>Minimum Usage Days Per Year*</u>
0 thru 4 years	88 hours	11 days
5 thru 9 years	108 hours	13.5 days
After 10 years	128 hours	16 days

1. The Employee is responsible for using his/her required minimum Earned Time between May 1st and April 30th each year. Anyone newly eligible for Earned Time accruals will not be subject to minimum usage until the beginning of their first full minimum usage period. Failure to comply with minimum usage requirements will result in an automatic forfeiture of that Earned Time not used below the minimum usage amount. Days converted into Sick Pool Days do not count towards minimum usages. O/DD's are responsible for evaluating and enforcing minimum usage requirements.

2. If an Employee fails to use the minimum required, the difference between usage and minimum required will be deducted from the Employee's accrued number of hours upon completion of each minimum usage period, unless the deadline for minimum usage has been delayed. In this case the revised deadline will be the date the days are deducted.

G. Overtime. Earned Time may not be requested by an employee to cover normally scheduled duty shifts in order to gain opportunities for added overtime.

H. End of Employment

1. Earned Time for all Employees hired on or before December 31, 2004, up to a maximum of 10 pay periods based on their regularly scheduled biweekly work hours will be paid at the end of employment. Unused Earned Time in excess of 10 pay periods will not be paid out and shall be forfeited by the Employee unless used before the end of employment with prior approval of the O/DD. Earned Time for all Employees hired on or after January 1, 2005 will be paid out in accordance with the following schedule (up to a maximum of 6 pay periods) based on their regularly scheduled biweekly work hours.

<u>Years of Service</u>	<u>Percentage of ET Accruals to be paid out</u>
0 through 4	25%
4+ through 14	50%
14+ through 20	75%
After 20	100%

(Example – An Employee hired 1/10/10 that resigns effective 2/28/14 would be eligible to be paid out at 50%.)

3. No unused Earned Time will be paid if the Employee is involuntarily terminated for cause or during the Initial Evaluation Period.

I. Layoff. Layoff is considered the end of employment. Employees that are laid off will not be subject to the above schedule and will be paid 100% of their accrued Earned Time.

8-3 SICK LEAVE POOL.

The Sick Leave Pool program was discontinued effective January 4, 2013 for all non-union and Sheriff's Deputy employees without existing sick pool accounts. No further conversions will be allowed for any non-union or Sheriff's Deputy employee; however, any employee with remaining balances may apply to utilize Sick Pool Time.

The Sick Leave Pool is intended to provide security by allowing employees to "buy insurance" for their own extended illness or other disability, or to care for an ill spouse or child only while on Family and Medical Leave.

A. A request to use Sick Pool Days may be placed through the O/DD only under the conditions listed below and are not paid out at the end of employment.

1. Use of Sick Pool Days may begin on the sixth consecutive workday absence due to illness, injury or other disability. An exception to the "six-day rule" may be granted by the Director of Human Resources in the

case of recurrence and/or therapy regarding an illness for which the threshold requirement has previously been met.

2. A physicians' report must accompany the request to use Sick Pool Days. Periodic reports may be required.
3. Usage of Sick Pool Days is subject to review by the County. In the event the County deems the time away for a specific medical condition to be irregular, the County may require the employee to be evaluated by a second physician at the County's expense.
4. It is not necessary to use up all Earned Time days before using Sick Pool Days.
5. The employee may continue using his/her balance of Sick Pool Days until no longer disabled.

8-4 HOLIDAY LEAVE

- A. The following days and no others shall be recognized as the County's designated Holidays and are considered to begin at 11:00 p.m. on the day preceding the holiday.

New Year's Day
Martin Luther King Civil Rights Day
Washington's Birthday
Memorial Day
Independence Day
Labor Day
Biennial Election Day
Columbus Day
Veterans' Day
Thanksgiving
Friday After Thanksgiving
Christmas Day

- B. To be eligible for Holiday Leave pay, a non-exempt employee must work the last scheduled day preceding and the first day following a holiday, unless on authorized leave.
- C. Whenever a holiday falls on a Saturday, the preceding Friday will be observed as a holiday. When the holiday falls on a Sunday, the following Monday shall be observed as a holiday.
- D. Nonessential Personnel. Employees shall be excused from all duty on these holidays unless their O/DD determines that an emergency requires them to work.
- E. Essential Personnel. Departments that require round-the-clock, round-the-calendar service will make every effort to equally distribute the need for working holidays.
1. Employees shall be entitled to an alternate day off.
 2. Any employee who is scheduled for duty on a holiday and fails to report for duty on that day shall forfeit that holiday, unless the employee has a written physician's certification.
 3. Part-time employees must work the holiday to earn a day off in lieu of the holiday.
 4. Temporary employees receive no day off in lieu of the holiday whether they work on a holiday or not.
 5. Holidays will be observed on the legal holiday regardless of the County's holiday schedule.

8-5 BEREAVEMENT LEAVE.

The purpose of bereavement leave is to enable an employee to take care of personal arrangements and problems caused by the death of an immediate family member.

- A. Immediate family is the employee's spouse, mother, father, child, grandparent, brother, sister, mother-in-law, father-in-law, grandchild or other relative living in the employee's immediate household. It does not include friends or neighbors.
- B. A full-time or part-time employee may have up to three paid working days of Bereavement Leave.

8-6 JURY DUTY/WITNESS LEAVE.

Jury duty and being a witness at a trial/hearing is recognized as an important civic responsibility. An employee may be granted leave without loss of pay when on jury duty or when subpoenaed to appear before court, a public body or a public commission. In each instance the employee shall submit a written request in advance, except in an unusual situation where advance notice may be impossible. In such instance an oral request may be made.

During such leave, the County will pay the difference between any compensation received for such service and the regular net pay of the employee. In no case will any employee receive Earned Time payments while on jury duty.

8-7 MILITARY LEAVE.

Employees will be granted Military Leave consistent with Federal and State laws.

A. Upon request, any employee entering active duty may receive pay for all or part of accrued Earned Time. The employee should give his O/DD as much notice as possible of his enlistment or call up for active duty.

B. No benefits that an employee had accrued prior to Military leave shall be lost because of going on Military Leave. The employee will not accrue other benefits during Military Leave, except leave for Reserve or National Guard annual training and as required by law. The Director of Human Resources has additional information on this subject.

C. During Military Leave for Reserve or National Guard annual training, the County will pay the employee in one of the two following methods:

1. The employee may turn in his/her federal check to the Finance Department as soon as possible to receive a regular County pay check for regular hours due; or
2. The employee may notify the O/DD of his/her desire to take Earned Time for the reserve duty period. This will be paid by the County in accordance with regular payroll procedures.

D. It is the County's intent to provide support to any employee called to serve our country during times of war. During Military Leave for active duty the County Commissioners will evaluate each occurrence and determine whether supplemental payments and/or benefits in excess of those provided through federal and state laws and regulations will be provided. In accordance with federal law and if the opportunity arises, the employee called to active duty must provide a letter from their commanding officer that allows them to work for the County while on active duty.

8-8 TRAINING LEAVE.

With the advance approval of the O/DD, an employee may be granted leave with pay for the purpose of attending training programs, seminars, workshops and other activities that are job related, for the purpose of improving knowledge, skills and abilities.

8-9 FAMILY AND MEDICAL LEAVES OF ABSENCE (Referred to as FMLA).

This leave of absence is available to eligible Employees to provide time off for their own medical reasons or to provide certain family care, in accordance with the Family and Medical Leave Act of 1993 (FMLA) as amended from time to time.

A. EMPLOYEE ELIGIBILITY REQUIREMENTS. To be eligible for this leave of absence, an Employee must:

1. have been employed for at least twelve months; and

2. have worked at least 1,250 hours during the twelve months preceding the commencement of the leave; and
 3. Work at a work site where 50 or more Employees are employed within 75 miles of the work site.
- B. REASONS FOR LEAVE. Eligible Employees may be entitled to take a leave of absence for the following reasons:
1. The birth of a child or the placement in the Employee's home of a child for adoption or for foster care (NEW CHILD LEAVE);
 2. The need to care for the Employee's spouse, son, daughter or parent who has a serious health condition (FAMILY LEAVE described herein);
 3. A serious health condition that prohibits the Employee from performing essential functions of his/her job (EMPLOYEE LEAVE described herein);
 4. A covered family member's active duty or call to active duty in the Armed Forces (FAMILY MEMBER LEAVE described herein);
 5. The need to care for an injured or ill servicemember (CAREGIVER LEAVE described herein).
- C. DEFINITION OF SERIOUS HEALTH CONDITION. A serious health condition is an illness, injury, impairment or physical or mental condition which involves the following:
1. Inpatient care; or
 2. A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition) that involves treatment two or more times by a health-care provider, by a nurse or physician's assistant under direct supervision of a health-care provider or by a health-care service under orders of or on referral by a health-care provider; or
 3. A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition) that involves treatment by a health-care provider on at least one occasion that results in a regimen of continuing treatment under the supervision of the health-care provider; or
 4. A chronic condition which requires periodic visits for treatment by a health-care provider or by a nurse or physician's assistant under direct supervision of a health-care provider *and* continues over an extended period of time (including recurring episodes of a single underlying condition) *and* may cause episodic rather than a continuing period of incapacity (e.g., diabetes, epilepsy); or
 5. A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective—the Employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health-care provider (e.g., Alzheimer's, a severe stroke); or
 6. A period of absence to receive multiple treatments (including any period of recovery therefrom) by a health-care provider or by a provider of health-care services under orders of or on referral by a health-care provider, either for restorative surgery after an accident or other injury or for a condition which would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment (e.g., chemotherapy, radiation, dialysis); or
 7. Any period of incapacity due to pregnancy or for prenatal care.
- D. CALL OR ORDER TO ACTIVE MILITARY DUTY. An Employee whose spouse, son, daughter, parent or next of kin either has been notified of an impending call or order to active military duty or who is already on active duty may take up to 12 weeks of leave for reasons related to or affected by

the family member's call-up or service. Reasons related to the call-up or service include helping the family member prepare for the departure or caring for children of the servicemember. The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for FAMILY MEMBER LEAVE is defined the same as for child for other types of FMLA leave, except that the person does not have to be a minor.)

E. AMOUNT OF LEAVE AVAILABLE. An eligible Employee may take up to 12 weeks (or up to 26 weeks for CAREGIVER LEAVE) of leave in a 12-month period. The amount of leave available is a rolling twelve-month period measured back to the date an Employee uses any leave under this policy. Each time an Employee takes leave, the County will compute the amount of leave the Employee has taken under this policy in the last 12 months and subtract it from the 12 weeks (or 26 weeks for CAREGIVER LEAVE) of available leave, with the balance remaining being the amount the Employee is entitled to take at that time.

1. New Child Leave under B.1. must be taken in consecutive weeks within twelve months after the child's birth or placement of the child by adoption or foster care.
2. Caregiver Leave may extend to up to 26 weeks in a 12-month period for an Employee whose spouse, son, daughter, parent or next-of-kin is injured or recovering from an injury suffered while on active military duty and who is unable to perform the duties of the servicemember's office, grade, rank or rating. Next-of-kin is defined as the closest blood relative of the injured or recovering servicemember. An Employee is also eligible for this type of leave when the family servicemember is receiving medical treatment, recuperation or therapy, even if the servicemember is on temporary disability retired list. This is the only type of FMLA leave that may extend an Employee's leave entitlement beyond 12 weeks to 26 weeks. Other types of FMLA leave are included with this type of leave totaling the 26 weeks.

F. NOTIFICATION BY EMPLOYEE

1. REASONS FOR LEAVE B. (1.), (2) AND (3)

- a. Foreseeable Events. The Employee must notify their O/DD and Human Resources at least 30 days in advance of foreseeable leaves, such as leaves for planned medical treatment or for the birth of the Employee's child .
- b. Unforeseeable Events. For events such as accidental injury causing a serious health condition or a premature birth, the Employee should notify their O/DD and Human Resources of the need for leave within one day of when he/she finds out when leave is needed.
- c. Failure to Give Notice. Failure to give notice as required may result in delay or denial of FMLA LEAVE. In the case of foreseeable leaves, the County may delay the leave for up to 30 days from the date the Employee notified it of the need to take the FMLA LEAVE.

2. REASONS FOR LEAVE B. (4) AND (5)

- a. Foreseeable Events. The Employee must provide a written request for leave and reason(s) to their O/DD and to the HR department.
- b. Unforeseeable Events. The Employee must provide verbal notice with an explanation of the reason(s) for the needed leave to their O/DD and to the HR department. Leave may commence as soon as the individual receives the call-up notice.

G. NOTIFICATION BY THE COUNTY. The County will notify an Employee when it designates absences as FMLA LEAVE generally within two work days or when the County reasonably knows of the absence. In appropriate cases, the County will designate leave as FMLA LEAVE even if not requested by the Employee. The County has the right to designate as FMLA LEAVE all time missed by an Employee that would qualify under this policy.

- H. **MEDICAL CERTIFICATION.** The Employee must submit a Certification of Health-care Provider no later than 15 days following his/her request for EMPLOYEE LEAVE or FAMILY LEAVE. The Certification of Health-care Provider must be completed by a qualified health-care provider.
1. The County retains the right to have the Employee examined by another health-care provider (and possibly a third, if the first two medical opinions are inconsistent) at its expense.
 2. The County reserves the right to request periodic additional medical certification during the term of a leave of absence.
- I. **MILITARY DUTY CERTIFICATION.** The Employee requesting this type of FMLA leave must provide proof of the qualifying family member's call-up or active military service no later than 15 days following his/her request for this type of leave. This documentation may be a copy of the military orders or other official Armed Forces communication.
- J. **INJURED OR ILL SERVICE MEMBER CERTIFICATION.** The Employee requesting this type of FMLA leave must provide certification of the family member or next-of-kin's injury, recovery or need for care. This documentation may be a copy of the military medical information, orders for treatment, or other official Armed Forces communication pertaining to the servicemember's injury or illness incurred on active military duty that renders the member medically unfit to perform his or her military duties. This certification is not tied to a serious health condition as for other types of FMLA leave.
- K. **INTERMITTENT OR REDUCED SCHEDULE.** If and only if it is medically necessary, FAMILY LEAVE, EMPLOYEE LEAVE, FAMILY MEMBER LEAVE or CAREGIVER LEAVE may be taken on an intermittent or reduced schedule basis.
1. Intermittent or reduced schedule leave will be counted on a quarter-hour basis.
 2. The Employee must submit the required certification as outlined in this policy to support his/her need for an intermittent or reduced schedule leave.
 3. The Employee must inform the County of the anticipated treatment schedule and the reasons for the proposed schedule.
 4. The County may require the Employee to work in a different Position or on a different schedule during the period of an intermittent or reduced schedule leave that will better accommodate the necessities of his/her schedule. The alternative Position will have the same pay and benefits as the Position held prior to commencement of the leave.
 5. For all leaves involving planned medical treatments, including intermittent and reduced schedule leaves, the Employee is obligated to plan for treatments so they will cause the least disruption to the County.
 6. The County retains the right to deny an intermittent or reduced schedule leave for NEW CHILD LEAVE (B. 1.).
- L. **PAY AND BENEFITS.** The FMLA Leave is unpaid. However, the Employee may use Earned Time, excess Earned Time, accrued Holidays, or when qualified, Sick Pool Days, during this leave, unless the leave is running concurrently with Worker's Compensation leave or Short Term disability.
1. Regardless of whether the Employee receives pay during the leave, the full amount of leave will be counted toward maximum leave available.
 2. The Employee will not accrue any Earned Time or Holidays after 30 calendar days of FMLA Leave.
 3. The Employee will continue to be covered by the County's group health insurance plan during the FMLA Leave if he/she pays his/her portion of the premium. Coverage of all insurance may stop if the County learns the Employee does not intend to return to employment or does not

return to employment. In these cases, the County may request the Employee to reimburse it for any premiums it has paid on his/her behalf during the leave unless he/she did not return because of a continued serious health condition or for other reasons beyond his/her control.

- M. **CLEARANCE TO RETURN TO WORK.** The Employee must contact their O/DD and the Human Resources Department to submit the medical clearance to return to work and to determine when to report for duty prior to returning from EMPLOYEE LEAVE. Failure to follow these procedures may delay when he/she can come back to work. The County may require the Employee to submit to a fitness-for-duty exam at its cost.
- N. **EMPLOYMENT RESTORATION.** The Employee will be returned to the same or an equivalent Position, provided the Employee's employment would not have been terminated had he/she been continuously employed during the FMLA Leave.
1. An equivalent Position has equivalent benefits, pay and other terms and conditions of employment.
 2. An exception to the employment restoration provision of this policy will be made if the Employee is a Key Employee. A Key Employee is an Employee who is exempt and among the highest paid 10 percent of the County's Employees within seventy-five miles of their worksite. A decision not to restore employment arises when restoration would result in substantial economic injury to the County. In this situation, however, the Employee will be notified of the County's intent to deny restoration and will be given an opportunity to return to work immediately.
 3. Failure to return to work at the end of the FMLA LEAVE may be considered a resignation. The County will try to contact the Employee and determine why the Employee has not returned to work.
- O. **FAILURE TO COMPLY WITH THIS POLICY.** If an Employee fails to follow the guidelines in the policy or falsifies any information related to the medical certification, his/her leave may be delayed or denied, and discipline up to and including Termination may result.
- P. **PROCEDURES.** Employees must follow specific procedures to request FMLA Leave. These procedures are as follows:
1. Complete the request form, sign it, make a copy of it and return the original to the Human Resources Department.
 2. Complete an authorization form, which acknowledges the County's legal right to recover the cost of any premium paid by the County to maintain the Employee's coverage in group benefits during the period of unpaid leave except under the following conditions:
 - a. The continuation, recurrence, or onset of a serious health condition that entitles the Employee to leave to care for a child, parent or spouse with a serious health condition, or if the Employee is unable to perform the functions of the Position due to his or her serious health condition; or,
 - b. Other conditions beyond the Employee's control that prevent him or her from returning to work.
 3. Return a completed "Certification of Health-Care Provider" form within 15 days of the request for leave requests meeting the criteria of B. (1), (2) and (3) or copies of military orders or military medical information for leave requests meeting the criteria of B. (4) and (5)..
- Q. **EFFECT OF LABOR AGREEMENT.** All provisions of this policy will prevail, except as modified by any applicable labor agreement.

8-10 MATERNITY LEAVE.

- A. **EMPLOYEE ELIGIBILITY REQUIREMENTS.** Female Employees are eligible for Maternity Leave.
- B. **REASONS FOR LEAVE.** An employer shall permit a female employee to take leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth or related medical conditions.
- C. **AMOUNT OF LEAVE AVAILABLE.** The leave duration will be based on the period the Employee is disabled as determined by her physician. If the Employee is eligible for FMLA Leave, the full amount of leave will be counted concurrently toward the 12-week maximum leave available in a 12-month period.
- D. **PAY AND BENEFITS.** Maternity Leave is unpaid. However, the Employee may use Earned Time, Excess Earned Time, Accrued Holidays or qualified Sick Pool time during this leave.
1. The Employee will not accrue any Earned Time or Holidays after 30 calendar days during Maternity Leave.
 2. The Employee will continue to be covered by the County's group insurance plans during the Maternity Leave if she pays her portion of the premium. Coverage of all insurance may stop if the County learns the Employee does not intend to return to employment or does not return to employment. In these cases, the County may request the Employee to reimburse it for any premiums it has paid on her behalf during the leave unless she did not return because of a continued serious health condition or for other reasons beyond her control.
- E. **NOTIFICATION BY EMPLOYEE.** The Employee must notify their O/DD and Human Resources at least 30 days in advance of the leave.
- F. **CLEARANCE TO RETURN TO WORK.** The Employee must contact their O/DD and the Human Resources Department to submit the medical clearance to return to work and to determine when to report for duty prior to returning from maternity leave. Failure to follow these procedures may delay when he/she can come back to work. The County may require the Employee to submit to a fitness-for-duty exam at its cost.
- G. **EMPLOYMENT RESTORATION.** When the Employee is physically able to return to work, her original job or comparable position shall be made available to her by the County unless business necessity makes this impossible or unreasonable. Failure to return to work at the end of the Maternity Leave may be considered a resignation.
- H. **EFFECT OF LABOR AGREEMENT.** All provisions of this policy will prevail, except as modified by any applicable labor agreement.

8-11 LEAVE WITHOUT PAY.

An employee, who is not eligible for FMLA Leave, has exhausted that leave or who has a personal need not covered by that policy may request in writing a Leave Without Pay (LWOP).

- A. Leave Without Pay for medical reasons shall be supported by a physician's note indicating that the employee is unable to perform the essential functions of his/her job and the expected duration of the leave.
- B. A request for a LWOP of up to 10 workdays shall be submitted to the O/DD for approval. A notation on the payroll summary sheet or timecard indicating LWOP and approval shall be sufficient documentation of the O/DD approval.
- C. All leaves of 11 workdays or greater shall be submitted to the O/DD. If recommended by the O/DD, such requests shall be submitted to the Board of Commissioners for approval.
- D. The terms and conditions of a LWOP including duration, and benefit coverage's shall be determined on a case-by-case basis.
- E. Application for extension of such leaves must be filed at least two (2) weeks prior to expiration, when possible.
- F. While on LWOP, the employee must keep the O/DD advised as to his/her status and condition.
- G. An employee may use his/her Earned Time for pay during LWOP. An employee may use Sick Pool Days for pay during LWOP, if he/she qualifies under the time policy for Sick Pool Days.
- H. Failure to return from LWOP as scheduled may be considered a resignation.

8-12 WORKERS' COMPENSATION LEAVE.

Employees are required by law to report an on-the-job injury or disease promptly to their supervisor, even if it is deemed to be minor.

- A. An "Injury Report" form must be completed by the employee to inform his/her supervisor and Rockingham County of the on-the-job related injury or disease. After the form is completed, the supervisor will acknowledge receipt by signing the form and giving the employee a copy.
- B. The County shall assure that all reasonable medical and hospital services, remedial care or vocational rehabilitation and various types of disability compensation are provided to an employee who suffers a qualifying on-the-job injury or disease. The employee is entitled to the services of a physician of his/her choice or a physician of the County's choice.
- C. The employee may not sue the employer as a result of an on-the-job injury or disease.
- D. Upon a report of an injury or disease, the County will file an Employee's First Report of Injury or Occupational Disease form with the NH Department of Labor (DOL) and the insurance carrier that is administrating the County's workers' compensation funds. All occupational injuries or diseases resulting in one visit, as a minimum requirement, to a physician other than a house physician, will be filed with the DOL as soon as possible, but no later than five days after the date of knowledge thereof.
- E. The County will report to the DOL and the insurance carrier any occupational disability, whether total or partial, of four or more days as a Supplemental Report of Injury as soon as possible, but no later than ten days, after the date of knowledge thereof.

Upon return to work, benefits (Earned Time And Holiday Time) will be accrued based upon a percentage directly proportional to hours regularly worked. In the case of forty-hour-per-week employees, if they return to work for twenty hours per week they will accrue 50% benefits. Should employees work thirty hours per week, they would accrue 75% benefits.

8-13 CRIME VICTIM LEAVE.

In accordance with the New Hampshire Crime Victim Leave Act, the County will permit Employees who are victims of a crime, as defined below, to leave work in order to attend court or other legal or investigative proceedings associated with the prosecution of the crime.

A. The following definitions will be used when considering a request for leave:

“Immediate family” means the father, mother, stepparent, child, stepchild, sibling, spouse, grandparent, or legal guardian of the victim; or any person involved in an intimate relationship and residing in the same household with the victim.

“Victim” means any person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or the attempted commission of a crime. “Victim” also includes the immediate family of any victim who is a minor or who is incompetent, or the immediate family of a homicide victim.

B. Eligibility: To be eligible for this leave, and before commencing leave, the Employee must provide to their supervisor a copy of the notice of each scheduled hearing, conference, or meeting that the Employee has received from the court or agency responsible for providing notice. Employees will be granted time away from work for the appointed time of hearings, conferences, and other relevant meetings as documented.

C. Privacy: The County will maintain the confidentiality of any written documents or records submitted by an Employee relative to the Employee’s request to leave work under this policy.

D. Use of Paid and Unpaid Leave: An Employee who is taking leave pursuant to this law shall elect to use accrued earned time or holiday time to cover time away from scheduled work hours. Unpaid time may also be requested by completing a LWOP request.

E. Employee Status: Employees who take leave under this policy will not lose seniority while absent from work, nor will they be discharged because they exercised their right under this law.

8-14 FITNESS FOR DUTY EXAMINATIONS.

The County requires an employee who is returning from leave due to illness or injury to have a release to work from their health care provider, setting out any limitations on his ability to work. The County also may require an employee to have a fitness for duty examination by a medical provider appointed by the County at the County’s cost, if there are issues related to his ability to perform the essential functions of his job or he/she has requested accommodations or may constitute a threat of harm to himself or others while doing his/her job. The purpose of this policy is to assure that the employee can perform the essential functions of his job or any limitations on that ability. See the return to work requirements for Employee Leave under the Family and Medical Leave policy.

A. The County may require an employee who is absent 3 days or more to provide a note from his/her health care provider that he/she may return to work.

B. The employee's supervisor and/or Human Resources shall inform the employee who is returning to work with restrictions of what procedures are necessary. The employee and employee's supervisor are responsible for assuring that restrictions and limitations on the employee's activities are adhered to and enforced.

8-15 EMERGENCY TRANSPORTATION PROCEDURE.

All Rockingham County employees are held accountable for their job performance and are expected to work in a physical and mental condition appropriate to performing their duties in a safe and effective manner. In the event of a physical or mental emergency or life threatening situation (i.e., chest pains, shortness of breath, seizures, suicidal thoughts or behavior, excessive bleeding) the affected employee shall be transported immediately via emergency vehicle *only* to the appropriate facility for evaluation. In the event the impairment appears to not be life threatening, but where a concern remains about the employee's fitness to operate a motor vehicle, a family member may be called or a County employee may volunteer, with the approval of the O/DD, to transport the employee. The Occupational Health Department and employee's supervisor/O/DD shall be notified as soon as possible about any incident.

CHAPTER 9 RECRUITMENT, SELECTION AND APPOINTMENT OF EMPLOYEES

9-1 POLICY.

To assure a high quality of service to the public, appointments will be made on a merit basis from among the most competent individuals available. Recruitment efforts and publicity will be directed to all appropriate sources of applicants in whatever geographic area is necessary to assure reaching the most qualified people.

9-2 REEMPLOYMENT

- A. Layoff. Full-time or part-time employees who are laid off and who had at least a rating of satisfactory performance on their last evaluation may be eligible for reinstatement within two years from the date of the layoff. The former employee must file an Employment Application with the Director of Human Resources and await notice of an available position within this time period. Since Employment Applications are kept active for a period of twelve months, those who file for reinstatement may have to renew their applications to keep them active. Credit will be given for former service time with respect to longevity, but the employment date will be the date of reinstatement. The employee may be recalled to his/her same grade and step at the time of layoff, if the position is in the same classification. The O/DD may impose an initial evaluation period on anyone who has been out longer than one year.
- B. Resignation. Full-time or part-time employees who resign may file an Employment Application form requesting rehire with the Director of Human Resources and await notice of an available position within one year of the resignation. If the former employee is rehired within a year to the position he/she left, he/she may have a job in the same classification and may start at the same grade and step at the time of his/her resignation. The employee will not receive credit for former service with respect to benefit accruals or other forms of longevity entitlement that are normally associated with an employee's continuous service. Each reemployment will be assigned a new

initial evaluation period and accrue benefits as would any other new employee.

9-3 RECRUITMENT PROCEDURES

- A. Defining The Job. When a vacancy occurs, the O/DD or his/her designee will review the functions, duties, responsibilities and minimum qualifications of the position to ascertain whether the job description accurately reflects the position. If the job description is to be changed, the recommended changes will be reported to the Director of Human Resources, who will determine, on the basis of the minimum qualification requirements for the position, the appropriate class for the newly described position and report the same to the County Management Team and the Board of Commissioners.
- B. Advertising the Vacancy. The Director of Human Resources will be responsible for publicizing the vacancy to the public as follows:
1. The Director of Human Resources will publicize the vacancy by means best calculated to inform as many qualified people as possible;
 2. The publication of the vacancy will include the position title; duties; responsibilities; special and minimum qualifications; the time, place and manner of making application; the County's equal employment opportunity;
 3. The following methods of publicizing may be used as indicated by the position being considered: posting on public bulletin boards, advertising in newspapers and other appropriate publications, listing with the State Employment Service, approaching community and other organizations that may have special interest in the position;
 4. To allow sufficient time for interested persons to apply recruitment and publication efforts will be conducted for 10 calendar days.
- C. Filling Vacancies. Vacancies may be filled by original appointment, emergency appointment, temporary appointment, provisional appointment, promotion, demotion, or transfer.

9-4 APPLICATION FOR EMPLOYMENT.

All applicants for employment must file an application at the office of the Director of Human Resources or the appropriate O/DD prior to the close of business on the date specified in the published announcement of the position. References will be obtained and employment will be conditioned, in part, upon acceptable references.

9-5 FALSE STATEMENTS.

Deliberately false or misleading statements in the application or in any employment interview for the purpose of attempting to secure County employment will be grounds for rejecting an applicant or discharging an employee who has been appointed to a position on the basis of such false, misleading or deceptive information.

9-6 MEDICAL SCREENING.

After a conditional job offer has been made and prior to the applicant starting, the O/DD or his designee will contact the Occupational Health Department to set up an appointment for a medical screening, including drug testing. The O/DD shall not refuse to hire a disabled individual based on the results of a medical screening, unless the reason for rejection is because the applicant cannot perform the essential functions of his job even with reasonable accommodation and is, therefore, unqualified for the position.

9-7 SELECTION PROCEDURES.

The O/DD shall determine which examining procedures will be employed to evaluate the

qualifications of applicants for positions.

- A. Such procedures will relate to the duties and responsibilities of the various positions and may include but are not limited to the following: examination of each applicant's education, training, work experience, work and character references. Use of appropriate tests of each applicant's ability to perform the tasks for which he or she is being considered and making comparative evaluations among applicants applying for the same position may also be included.
- B. Based upon final review, the O/DD will consider the applicant(s), will interview and, thereafter, make appointment(s). If there are fewer than five applicants the O/DD may waive selection and reopen the position.
- C. Each applicant interviewed will be notified of the final appointment decision in writing.
- D. The Director of Human Resources shall be responsible for maintaining a record of the selection process employed each time an appointment to a position is made.

9-8 APPLICATION BY EMPLOYEES.

Full-time and part-time employees are eligible to apply for any vacancy announced for which they are qualified by following the procedures outlined in this policy. The employee shall be given preference for a posted opening unless an outside candidate is determined to be the most capable, qualified candidate. No O/DD or supervisor shall deny any subordinate employee permission to apply for a vacancy or in any way discourage, punish or intimidate any employee who wishes to apply for a vacancy.

9-9 EMPLOYMENT OF RELATIVES.

The purpose of the policy, which applies to all County positions, is to continue to attract and recruit highly qualified candidates for employment who may be related to current employees, while ensuring fair and equitable treatment to all candidates and employees, so that no situations of conflict of interest or undue influence may arise.

- A. Management personnel, including but not limited to O/DDs, are not permitted to hire or employ any relatives for any position in County government that is within their span of control. The span of control exists where the employee would be under the management personnel's direct or indirect supervision, or where the management personnel would have influence over the employee's employment, promotion, salary administration and other related management or personnel considerations.
- B. For this policy, a relative is a spouse, parent, child, step-child, brother, sister, grandchild, grandparent, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew or any other member of the employee's household.
- C. Existing situations between appointing authorities or direct supervisors and subordinate employees employed before July 13, 1993, the date of this policy, shall not be affected.
- D. Questions or discussion shall be directed to the Director of Human Resources.

CHAPTER 10 INITIAL EVALUATION PERIOD

10-1 OBJECTIVE.

The initial evaluation period is an integral part of the selection procedure allowing the O/DD or supervisor to observe and evaluate an employee's on-the-job work performance for the purpose of determining fitness and suitability for appointment to the position. Failure to successfully complete the initial evaluation period shall result in termination.

10-2 DURATION OF INITIAL EVALUATION PERIOD.

An initial evaluation period shall begin immediately upon appointment to a new position not previously held by the appointee and shall continue for one year.

- A. The initial evaluation period may be extended for a period not to exceed three months by the O/DD if noted that, while the employee's performance is not entirely satisfactory, there are reasonable prospects that it may become satisfactory during an extension of the initial evaluation period.
- B. Notice of extension of an initial evaluation period will be given to the employee in writing, and the O/DD or his/her designee shall discuss with the employee the reason for the extension and what is expected of the employee to successfully complete the initial evaluation period.
- C. Completion of the initial evaluation period does not guarantee a job. Employees who have their initial evaluation period extended will have the annual review extended by the additional amount of time of the extended initial evaluation. This change affects only the employee's annual review date for the purpose of evaluation of performance, not the employee's employment date.

10-3 EXPIRATION OF INITIAL EVALUATION PERIOD.

Prior to completion of an employee's initial evaluation period, supervisors will notify the appropriate O/DD in writing that:

- A. The initial evaluation employee's performance is satisfactory and that such employee should receive an appointment to the position; or
- B. The initial evaluation employee's performance or conduct is unsatisfactory, that removal prior to the end of the initial evaluation period is recommended and the specific reasons for the removal; or
- C. An extension of the initial evaluation period is desired for reasons provided above and the specific reasons for the extension.

10-4 REMOVAL OF EMPLOYEE IN AN INITIAL EVALUATION PERIOD.

An employee may be terminated during the initial evaluation period for the following reasons:

- A. The employee is unwilling or unable to perform required duties
- B. The employee demonstrates unsatisfactory work habits or conduct on the job
- C. The employee submitted false information to the County to secure the appointment

10-5 RECORDS.

A record of all correspondence relating to an employee's satisfactory or unsatisfactory completion of the initial evaluation period shall be filed in the employee's personnel file.

CHAPTER 11

PROMOTION, DEMOTION AND SEPARATION

11-1 PROMOTION POLICY.

Employees are encouraged to develop new skills, expand their knowledge of their work, take more initiatives on the job, and demonstrate their qualifications for promotion to positions of greater responsibility. It is the policy of Rockingham County to promote from within the County department wherever possible.

11-2 POSTING.

The Director of Human Resources shall post any job vacancy resulting from a promotion in all departments of County government and for the general public for a period of not less than 10 calendar days following the same procedure as in the Recruitment Procedures. Employees are encouraged to apply for a position that is a promotion.

11-3 DEMOTION.

An employee may be demoted to a vacant position in a lower class, providing such employee is qualified, for any of the following reasons:

- A. The employee would otherwise be laid off because his or her position is being abolished
- B. The employee's position is reclassified to a lower class
- C. The employee voluntarily requests a job in a lower class
- D. The employee's performance of his or her duties is unsatisfactory

11-4 LATERAL TRANSFER.

A Position may be filled by a Lateral Transfer of an Employee from another Position of the same or similar class having the same maximum pay rate, involving similar duties and requiring essentially the same basic qualifications. Such a transfer shall not involve a reduction in the Employees scheduled hours. Interdepartmental lateral transfers require approval by each department's O/DD and written notification to Human Resources. Written notice to Human Resources requires two weeks advance notice prior to the effective date of the Lateral Transfer. Lateral Transfers, without an interruption in service, shall not cause loss of any benefits.

11-5 REDUCED WORK SCHEDULE:

Any Employee wishing to permanently work reduced hours, in their current position must first put their request in writing to their O/DD, who will consider the request. In order to approve such request, the O/DD shall demonstrate that:

- There is no detrimental effect on service delivery;
- There is a Part-Time or Intermittent Position available for which the Employee is qualified or a department recommends that a FT position be reduced to a PT position;
- The arrangement is fair and equitable to other Employees within the department;
- Such requested change is in the best interest of the County.

If the O/DD provisionally supports the request based on meeting the above criteria, he or she shall consult with Human Resources regarding the Employee's request. The Director of Human Resources

shall consider the Employee's request under the above criteria and the overall needs of the Division and County. Should O/DD and Human Resources elect to deny the request, the matter shall not be referred to the Commissioners. Should the O/DD and Human Resources recommend that approval be given, then the request shall be referred to the Commissioners for final review and approval or denial. The O/DD shall be required, at the request of the Commissioners, to demonstrate that the above criteria are met.

The approval of a Reduced Work Schedule hereunder shall not affect the Employee's continuation of benefits or evaluation/step date provided that such reduction does not result in an interruption in employment and the Employee remains within the requirements of benefits-eligible status (including, regularly scheduled for 24 hours or more each week).

This above described policy shall not apply to requests for reduction in hours pursuant to the FMLA or ADA.

11-6 END OF EMPLOYMENT.

- A. Retirement. An employee retires when he/she leaves County service after qualifying as a retiree under the New Hampshire Retirement System or at age 62 under Social Security.
- B. Resignation. An employee in good standing may resign by submitting his/her resignation in writing to the O/DD or the supervisor setting out the reasons no later than two work weeks prior to the effective date. Two weeks' notice must be given exclusive of time off or any other leave time, not previously approved. A resignation will be accepted upon its receipt, unless the employee is subject to disciplinary action and the Board of Commissioners determines that it is not in the interest of the County to allow the employee to retain good standing as a former County employee.
- C. Layoff. A layoff will result when the County must reduce the number of employees due to lack of work or lack of funding to do the work. The County does not recognize or endorse the practice of "bumping." When it is determined by the O/DD or the Board of Commissioners that layoff is necessary, the order of layoff is determined by type of appointment and is as follows:

- First emergency appointees
- Second provisional appointees
- Third temporary appointees
- Fourth temporary provisional appointees
- Fifth appointees who have been employed less than six months
- Sixth part-time employees
- Seventh full-time employees.

CHAPTER 12 PERFORMANCE EVALUATION

12-1 PURPOSE.

Rockingham County recognizes the need for an operating evaluation system to:

- A. Assess fairly and accurately an employee's strengths, weaknesses, and potential for growth;
- B. Encourage and guide each County employee in development of special skills and interests;
- C. Assure adequate recognition and compensation for special and exemplary accomplishment;
- D. Provide a means of improving performance in particular departments or operations; and
- E. Identify training needs.

12-2 PROCEDURE.

The Director of Human Resources shall be responsible for maintaining an employee performance evaluation system. The responsibility for evaluating employee performance rests with the supervisor or O/DD. The supervisor or O/DD shall make a written evaluation of the employee's performance once annually and prior to making a step increase. Employee evaluations may be accomplished by a group or an individual who has supervised the employee during the evaluation period and shall be signed by all who participated in the evaluation.

12-3 REVIEW BY EMPLOYEE.

Each employee shall have the right to examine any evaluation made of his/her performance by an authorized superior immediately following such evaluation. Supervisor/employee discussion prior to any written evaluation is encouraged. Performance evaluations are not grievable beyond the O/DD level.

CHAPTER 13 TRAINING

13-1 POLICY.

The County intends to foster and promote employee-training programs for the purpose of improving the quality of services rendered to the residents of the County and for the purpose of helping County employees to equip them for advancement in the County service.

13-2 ADMINISTRATION OF THE EMPLOYEE TRAINING PROGRAM.

The Director of Human Resources, when so directed by the Board of Commissioners, shall be responsible for:

- A. Providing assistance to O/DDs in establishing standards for training programs;
- B. Providing assistance to O/DDs in developing and conducting training to meet the specific needs of their departments and in developing and utilizing other techniques for improving employee efficiency;
- C. Developing supervisory and management training and other types of employee training programs for all departments;

- D. Providing assistance to O/DDs in establishing standards of performance and procedures for evaluating employee performance so as to identify training needs;
- E. Keeping records of all approved training courses and programs and a record of employees who successfully complete such courses and programs;
- F. Providing assistance to O/DDs in evaluating the effectiveness of training programs.

13-3 IDENTIFYING TRAINING NEEDS.

O/DDs, supervisors and employees will work together to determine the training needs of individual employees. The O/DDs, supervisors, the Director of Human Resources and the Board of Commissioners will explore the availability of appropriate training and, where possible, make such training available for County personnel. While training may be related to the employee's personal career objectives, priority shall be given to County government needs.

CHAPTER 14 DISCIPLINARY ACTION AND RULES OF CONDUCT

14-1 EMPLOYEE OBLIGATIONS.

Each employee must observe the policies and regulations contained herein and conduct themselves on the job and otherwise so as to bring no discredit to the County.

14-2 O/DD RESPONSIBILITY.

O/DDs are responsible for the proper and efficient operation of their respective departments and for enforcing all policies and regulations. With the approval of the O/DD, supervisors are authorized to impose such disciplinary measures permitted in this policy as are appropriate and necessary for the orderly operation of the various departments of the County.

14-3 DISCIPLINARY ACTION PROCESS.

- A. All discipline shall be appropriate to the infraction for which the disciplinary action is being taken. The following disciplinary action may be taken:
 - 1. Letter of counsel
 - 2. Written warning
 - 3. Suspension with or without pay
 - 4. Demotion
 - 5. Termination
- B. The appropriate level of disciplinary action is determined by all the facts of the situation, including the severity of the conduct and the employee's work history. The levels need not be followed in order, as some conduct merits immediate termination. At other times, conduct will merit progressively greater discipline up to and including termination.
- C. All disciplinary action shall be in writing and shall identify the reason for the action and, provided the employee is available, shall be signed by the employee as an acknowledgment of receipt of the disciplinary action only. The employee shall receive a copy of such actions. All disciplinary action shall become a part of the employee's personnel file.
- D. Copies of all disciplinary documentation shall be forwarded to the Director of Human Resources for

inclusion in the employee's personnel file.

14-4 TERMINATION.

- A. An employee who has been employed for at least one year from his/her employment date shall be terminated, removed or suspended only for the following reasons. Some examples of these reasons are described in Section 14-4 (B) and 14 (5).
1. Dishonesty
 2. Intoxication
 3. Immoral behavior
 4. Other misconduct
 5. Neglect of duty
 6. Negligence
 7. Willful insubordination
 8. Lack of cooperation
 9. Inefficiency
 10. Incapacity or unfitness to perform his/her duties
 11. For the good of the County
- B. Any employee may be terminated immediately for the conduct listed above and the following conduct:
1. Dishonesty or immoral conduct by stealing or removing property without having a right to such property from the County, another employee, resident, inmate or visitor of a County facility, anyone under the care and/or custody of Rockingham County, or otherwise unjustly acquiring money, property, or services from the County or at the County expense in violation of any provision contained herein or of any law of the State of New Hampshire;
 2. Misconduct, dishonesty or negligence of duty willfully damaging any County property or the property of an employee, visitor, resident, inmate, or anyone under the care and/or custody of Rockingham County or visitor of any County facility;
 3. Misconduct, neglect or willful insubordination by willfully providing false information relative to any County business or any employment or personnel matter that materially and adversely affects some serious or substantial interest of the County or of any County employee or of any person doing business with the County;
 4. Insubordination to or lack of cooperation with an O/DD, a supervisor or any other superior;
 5. Immoral behavior by indecent conduct on the job or on any County facility or such conduct under circumstances that reflect badly on the County government as the Board of Commissioner's may after hearing and deliberation determine;
 6. Intoxication by reporting for duty while under the influence of alcohol or any other drug; drinking alcohol or using drugs while on duty or while in any County facility;
 7. Neglect of duty or negligence in performing duties;
 8. Dishonesty or willful insubordination by altering or falsifying any records or the willful making of mis-statements of fact in any phase of County government;
 9. Lack of cooperation, neglect of duty or inefficiency by failure to perform duties in accordance with these policies and procedures or failure to carry out the policies or instructions of the O/DD;
 10. Dishonesty by misappropriation of County property and services; and

11. Any conduct not specifically listed above which reflects badly on the County government or amounts to wrongdoing and where the discharge or removal of the employee would be for the good of the County.

14-5 MISCONDUCT SUBJECT TO DISCIPLINARY ACTION.

Any County employee may be disciplined at the appropriate level for the conduct and situation, up to and including termination, for any of the following reasons:

- A. Neglect of duty, negligence or misconduct by the physical or emotional abuse of anyone in the care and/or custody of Rockingham County;
- B. Neglect of duty, negligence or misconduct by violating the rights of anyone in the care and/or custody of Rockingham County;
- C. Neglect of duty, negligence or misconduct by the disclosure of privileged information pertaining to anyone in the care and/or custody of Rockingham County or anyone having business with Rockingham County; and
- D. Misconduct, immoral behavior or negligence by improper or unprofessional staff behavior: employees shall meet and treat the public with the utmost courtesy and consideration; the use of coarse, profane, insolent, indecent, suggestive, sarcastic or insulting language, inappropriate gestures, expressions of prejudice concerning race, religion, politics, national origin, gender, lifestyle or personal characteristics is absolutely prohibited. They shall not engage in disrespectful, insubordinate or contemptuous behavior toward other employees, residents or other members of the public, particularly those of superior rank or position. Such behavior detracts from the respect due the authority and person of the senior in rank/position and is contrary to good order and discipline. The proscribed contemptuous behavior may consist of acts, behavior, language, insolence, impertinence, undue familiarity and rudeness, however expressed. All employees of the County must conduct themselves with standards that are appropriate to their rank/position.
- E. Misuse, abuse or neglect of County property

14-6 LETTER OF COUNSEL.

Generally, a letter of counsel is appropriate for minor or first time problems.

14-7 WRITTEN WARNING.

Employees found subject to discipline for any misconduct, or violations of these policies, may receive a written warning. All warnings will be reviewed by the O/DD.

14-8 SUSPENSION.

Section 14-10 sets forth the suspension procedure for employees who are covered by the provisions of RSA 28:10-a. For all other employees, the suspension procedure contained in this Section 14-8, or any applicable CBA, applies. Employees may be given a period of suspension with or without pay for a period not to exceed 10 calendar days. A suspension notice may be given without prior warning. A copy of the suspension notice shall be immediately filed with the Director of Human Resources.

14-9 DEMOTION.

Employees may be demoted, if in the discretion of the O/DD the misconduct does not warrant termination

14-10 DISCHARGE, REMOVAL AND SUSPENSION PROCEDURE PURSUANT TO RSA 28:10-a.

- A. Applicability of the Discharge, Removal and Suspension Procedure – This Discharge, Removal and Suspension Procedure applies to only those County employees who are subject to the provisions of

RSA 28:10-a. This Discharge, Removal and Suspension Procedure does not apply to:

- County employees who are not subject to the provisions of RSA 28:10-a
- Layoffs due to the elimination of a position, layoffs due to a change in work, or layoffs due to a lack of work or insufficient funds

B. Effect of Collective Bargaining Agreement – If an employee is subject to a collective bargaining agreement (“CBA”), this Discharge, Removal and Suspension Procedure only applies to the extent it does not conflict with the CBA.

C. Steps in the Procedure for Discharge or Removal – The following is a general summary of the steps in this Procedure for discharge or removal.

Step 1: O/DD’s Recommendation of Discharge or Removal – Prior to the discharge or removal of any employee who has been employed by the County for at least one year, the O/DD shall give the employee written notice of the O/DD’s recommendation to the Commissioners of discharge or removal. The O/DD’s written notice to the employee shall include:

(a) A summary of the O/DD’s reasons for recommending discharge or removal;

(b) Citations to the applicable provisions of RSA 28:10-a, II, and citations to the County’s applicable Personnel Policies and Procedures and any other applicable workplace standards upon which the O/DD bases his or her recommendation; and

(c) A notification that the O/DD intends to address the recommendation at a Commissioners’ meeting, including notification of the date of the meeting and that the employee has the opportunity to be present and to be heard by the Commissioners concerning the O/DD’s recommendation.

The Commissioners will send the employee advance written notice confirming the Commissioners’ receipt of the O/DD’s recommendation, the date, time and location of the Commissioners’ meeting at which the Commissioners will review the recommendation, and the fact that the employee has the opportunity to be present at the meeting and to be heard concerning the recommendation.

Step 2: Commissioners’ Meeting Concerning O/DD’s Recommendation of Discharge or Removal –

The Commissioners shall meet to address the O/DD’s recommendation of discharge or removal. The employee shall be provided with advance written notice confirming the date, time and location of the Commissioners’ meeting and informing the employee that he or she has the opportunity to be present at the meeting and to be heard by the Commissioners concerning the recommendation.

Pursuant to RSA 91-A, II (a) the Commissioners’ meeting shall be in non-public session unless the employee requests the meeting to be open to the public.

At the Commissioners’ meeting, the Commissioners shall provide the O/DD and the employee with the opportunity to present relevant information concerning the recommendation of discharge or removal and the employee’s response to the recommendation.

Step 3: Commissioners’ Decision Concerning Discharge or Removal – Following the presentation of information at the Commissioners’ meeting, the Commissioners shall reach a decision

concerning the O/DD's recommendation of discharge or removal.

If a majority of the Commissioners decide not to discharge or remove the employee, the Commissioners shall notify the employee and the O/DD in writing of the Commissioners' decision.

If a majority of the Commissioners decide to discharge or remove the employee, the Commissioners shall provide the employee and the O/DD with the following information. Pursuant to RSA 28:10-a, II (a), the Commissioners shall provide the employee with a written notice containing a statement of the grounds and reasons why the Commissioners are discharging or removing the employee. A majority of the Commissioners shall sign this written notice.

The employee shall be given the written notice containing the statement of the grounds and reasons for discharge or removal not less than ten (10) days and not more than thirty (30) days before the effective date of such discharge or removal.

Step 4: Employee's Opportunity to Request a Hearing Concerning the Commissioners' Decision of Discharge or Removal

If an employee is covered by a CBA, the employee's hearing, discharge and removal proceedings under RSA 28:10-a, III shall be held pursuant to the terms of the CBA in question.

If an employee is not covered by a CBA, as described below, the employee may request a hearing before the County Personnel Committee.

Within thirty (30) calendar days of the employee's receipt of written notice of the Commissioners' statement of the grounds and reasons for their decision for discharge or removal, the employee may request in writing a public hearing before the County Personnel Committee (consisting of the Chairman, Vice Chairman and Clerk of the County Convention) on whether the discharge or removal was for good cause.

The employee will be provided with advance written notice concerning the date, time and location of the County Personnel Committee hearing.

If, upon such hearing, the County Personnel Committee finds that the Commissioners had good cause for its decision to order or approve the discharge or removal of the employee, the County Personnel Committee shall approve the employee's discharge or removal.

Step 5 – Appeal of the County Personnel Committee Decision – If the employee is dissatisfied with the County Personnel Committee's decision, the employee has the right to a rehearing and/or an appeal pursuant to the provisions of RSA 541. NOTE: RSA 541 CONTAINS VARIOUS DEADLINES AND OTHER REQUIREMENTS. THE EMPLOYEE SHOULD PROMPTLY CONSULT RSA 541 IF THE EMPLOYEE BELIEVES THAT HE OR SHE MAY WISH TO ASK FOR A REHEARING OR SEEK AN APPEAL OF THE COUNTY PERSONNEL COMMITTEE'S DECISION.

- D. Steps in the Procedure for Suspension – The following is a general summary of the steps in this Procedure for suspension. Any employee may be suspended at any time, without prior notice, for a period not to exceed ten (10) days.

If an employee is covered by a CBA, the employee's suspension proceedings under RSA 28:10-a, III shall be held pursuant to the terms of the CBA in question.

If an employee is not covered by a CBA, as described below, the employee may request a hearing before the Personnel Committee.

Step 1 - Hearing Before the County Personnel Committee – Within ten (10) calendar days of the employee's first day of suspension for a suspension not to exceed ten (10) days, the employee may request in writing a public hearing before the County Personnel Committee (consisting of the Chairman, Vice Chairman and Clerk of the County Convention) on whether the suspension was for good cause.

The employee will be provided with advance written notice concerning the date, time and location of the County Personnel Committee hearing.

If, upon such hearing, the County Personnel Committee finds that there was good cause for the suspension of the employee, the County Personnel Committee shall approve the employee's suspension.

Step 2 – Appeal of the County Personnel Committee Decision – If the employee is dissatisfied with the County Personnel Committee's decision, the employee has the right to a rehearing and/or an appeal pursuant to the provisions of RSA 541. NOTE: RSA 541 CONTAINS VARIOUS DEADLINES AND OTHER REQUIREMENTS. THE EMPLOYEE SHOULD PROMPTLY CONSULT RSA 541 IF THE EMPLOYEE BELIEVES THAT HE OR SHE MAY WISH TO ASK FOR A REHEARING OR SEEK AN APPEAL OF THE COUNTY PERSONNEL COMMITTEE'S DECISION

14-11 APPEAL.

An employee may appeal disciplinary action, by following the grievance policy contained in Chapter 15 if the employee is not subject to either the "Discharge, Removal and Suspension Procedure pursuant to RSA 28:10-a" that is contained in Section 14-10 of a grievance procedure or contained in an applicable collective bargaining agreement. Performance evaluations are not grievable beyond the O/DD level.

14-12 RECEIPT OF GIFTS.

Employees are prohibited from soliciting or accepting any gift, gratuity, favor or entertainment, loan or other item or consideration of monetary value from any person who has or is seeking to transact business with the County or from any person within or outside County employment whose interest may be affected by the employee's performance or non-performance of official duty, or from any person under the care and/or custody of the County. Employees are permitted to accept nominal gifts in keeping with special occasions such as marriage, retirement, or illness; food and refreshment in the ordinary course of business meetings; or unsolicited advertising or promotional material such as pens, notepads, calendars or other items of nominal value.

14-13 FLOWER FUNDS OR GIFTS AMONG EMPLOYEES.

Contributions made for flower funds for funerals or illness or special gift collections are not prohibited. However, participation in such activities, including even contributions for nominal gifts for supervisors

must be wholly voluntary on the part of each employee. Gifts of this kind should be of nominal value.

14-14 SUPERVISORS.

No supervisor shall accept gifts or favors from subordinates other than those of nominal value for special occasions, and no supervisor shall borrow money from any subordinates.

14-15 BUSINESS ACTIVITIES AND SOLICITATION.

No employee shall engage in any business other than his or her regular duties during working hours, including, but not limited to, such activities as selling goods to fellow employees, lending money for profit, etc.

14-16 OUTSIDE EMPLOYMENT.

No employee may engage in additional employment without first giving written notification to the O/DD. Such outside employment shall not in any manner interfere with the performance of his/her County duties, result in, or even suggest, a conflict of interest or otherwise subject the County to public criticism or embarrassment. If the O/DD determines that such outside employment has an adverse effect on the County in any way, the O/DD shall notify the employee in writing that the employee must terminate either the outside employment or his/her County employment. Employees who are engaged in outside employment with working hours in conflict with the working hours of their County employment shall give preference to the County employment and not otherwise. The County shall not be liable for injury an employee suffered while engaged in outside employment, nor any occupational illness attributed to the outside employment.

14-17 PRIVILEGED INFORMATION.

Employees may have access to important but privileged information of significant public interest, which they are prohibited from using for their own financial advantage, or to provide friends or acquaintances with financial advantages. If an employee finds that he or she has a financial interest that could be advantageously affected by County plans or planned activities he or she must immediately report the situation to a supervisor. Misuse of privileged information either for personal gain or for the gain of friends or acquaintances is just cause for discharge of the employee.

14-18 PRIVATE INFORMATION.

Employees are prohibited from discussing or in any way revealing to others any private information, which might be heard from any person or persons in the care and/or custody of the County concerning his or her personal and intimate affairs.

14-19 USE OF PROPERTY.

Employees should not, directly or indirectly, use or allow the use of County property of any kind for other than official purposes.

14-20 OFF-DUTY LOITERING OF EMPLOYEES.

Off-duty employees, their family members and friends may wait for on-duty employees only in designated areas as established by the O/DDs.

14-21 POLITICAL ACTIVITY.

The fact of County employment should not be construed to infringe in any way upon the rights of County employees guaranteed to them by the Constitutions of the United States and the State of New Hampshire. However, employees may not:

- A. Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for public office;
- B. Use official authority or influence to coerce or attempt to coerce, command or advise a state or local officer or employee to pay, lend, or contribute anything of value to any political party, committee, organization, agency or person for political purposes; and
- C. At no time shall any employee act contrary to the laws of the United States and/or the laws of New Hampshire.

14-22 EMPLOYEE-MANAGEMENT RELATIONS.

Rockingham County recognizes the rights of public employees to organize and join or refrain from joining an organization for purposes of representation. The matters on which they may negotiate or on which management agrees to meet and confer should be delineated, along with other employee rights and obligations and management's rights and obligations.

14-23 SMOKING POLICY.

Smoking and second-hand smoke has been shown to cause illnesses and even premature death. The New Hampshire Indoor Smoking Act, RSA 155:64 *et seq.*, restricts and regulates smoking in enclosed workplaces, enclosed places accessible to the public and in enclosed publicly owned buildings. The County is committed to providing a healthy, comfortable and productive work environment for employees, clients and the public. Therefore, smoking is prohibited in all County buildings and vehicles, except as provided for in individual departmental policies, procedures, rules and regulations if in accordance with state law. Breaks for smoking shall only be allowed during normally designated work break periods.

14-24 SAFETY POLICY.

Rockingham County recognizes the importance of safety and health and is committed to providing a workplace for our employees, clients and the public in which recognized hazards are controlled or eliminated. Specific safety objectives and procedures are to be developed by the departments and shall be reviewed annually by the department head. The philosophies and goals behind this commitment are as follows:

- A. The safety and health of all County employees, clients and the public is a priority;
- B. All County employees will be required to make safety and the safety of their co-workers a priority; all O/DDs are responsible for insuring compliance including appropriate discipline with the Safety and Health program;
- C. As a condition of employment, each County employee will be expected to conduct his/her daily tasks in a manner that is consistent with the philosophy and goals of this policy, as well as any safety rules or procedures that the County practices, including full cooperation with the designated Occupational Health Services professional.
- D. With these goals in mind, Rockingham County's Safety and Health Program will include:
 - 1. Establishing and administering a Joint Loss Management Committee program that allows and encourages injured employees to return to work and programs for continuing education on the subject of workplace safety;

2. Providing adequate safeguards to the maximum extent that it is possible;
 3. Conducting a program of health and safety inspections to identify and eliminate unsafe working conditions or practices, to control health hazards and to comply fully with all Safety and Health Standards affecting all positions;
 4. Training all employees in good health and safety practices;
 5. Providing necessary personal protective equipment and instruction for its use and care;
 6. Developing, updating and enforcing health and safety rules and requiring that all employees cooperate with these regulations;
 7. Investigating, promptly and thoroughly, every accident or incident to determine the cause and take actions to prevent any reoccurrence of the problem.
- E. It is imperative that every employee, regardless of his/her function in the County, does his or her part in supporting safety. No job or task is so important that each employee cannot take the necessary time to perform it safely. Adherence to this policy and the County's comprehensive safety program will provide safe working conditions for everyone.
- F. To administer compliance with this policy, Rockingham County has established a Joint Loss Management Committee that meets a minimum of six times per year. This Committee is made up of representatives from each County Department with both Department of Corrections bargaining unit and non-bargaining unit representatives included. The committee will be appointed annually in accordance with RSA 281-A: 60 and Department of Labor Safety in Training Administration Rules, LAB 603:02. Each individual department may have its own active Committee, which meets on a regular basis and is represented at the County-wide Joint Loss Management Committee meetings.
- G. Rockingham County has an Alternative Work Program. Each individual department is responsible for its own employees. Each position is modified according to the physician's restrictions on each and every injured worker.

14-25 POLICY FOR A DRUG FREE WORKPLACE.

The use of illegal or abuse of prescription drugs and/or alcohol by County employees poses a significant threat to other County employees and those who are in the care of or otherwise served by the County.

- A. For this reason, Rockingham County prohibits the possession, use and distribution of alcohol and illegal drugs in the workplace during an employee's workday or on County premises (except for duly authorized law enforcement officers, e.g., officers permitted to possess contraband while performing their duties). Employees are strictly prohibited from reporting for duty or being under the influence of or impaired by alcohol or drugs or being unfit for duty through the use of same while on duty. County employees shall not use a controlled drug unless properly prescribed by a licensed practitioner.
- B. As a condition of employment, applicants will be subject to a drug test during the pre-placement medical screening. The County will withdraw its offer of employment if the applicant refuses to submit to the drug test or the lab determines the sample has been adulterated, diluted, tampered with or is in any way inconsistent.
- C. An employee will be subject to drug and alcohol testing if he/she is driving a County vehicle which is involved in accident or is a non-driving employee who caused or contributed to such an accident (if appropriate from the results of the attached assessment forms) or has an on-the-job injury requiring medical treatment.
- D. Only the employee's O/DD may authorize the test. The O/DD shall inform the employee about the

facts upon which the suspicion of impairment is based.

- E. Failure of an employee in this type of case to submit promptly to testing shall be considered insubordination and cause for termination.
- F. An employee who tests positive for drugs or alcohol will be subject to termination. A Blood Alcohol Content of .04% will be considered to be a positive alcohol test and that the employee has violated this policy. An initial drug screen which shows a positive for drug(s) will be subjected to a confirmatory test for a final evaluation. If the confirmatory test shows positive for drugs, the test will be considered positive and the employee to have violated this policy. If the lab determines that employee's sample has been adulterated, diluted, tampered with or is any way inconsistent, this will constitute a failure of the employee to submit to the testing and shall be considered insubordination and cause for termination.
- G. The results of the drug or alcohol test shall remain confidential. The following individuals or organizations shall have access to the results of the test: the employee; the County management; Union representatives, if the employee files a Union grievance; persons participating in the grievance proceeding, if the employee files a grievance under these policies in which the drug test or its results are involved; any state or federal agency which requests the information or which the County determines should have the information, including Workers' Compensation and Employment Security; and any person who uses process of law to secure the results. The County will notify the federal agency that manages the contracts and grants of the organization whenever an employee is convicted of a drug offense that occurred in the workplace.
- H. All drug and alcohol tests shall be performed by a laboratory which meets the standards established by the Department of Health and Human Services.
- I. It is the responsibility of any employee who witnesses a violation of this policy on the County's premises to report it to the appropriate O/DD. If circumstances prohibit this response, report to the Director of Human Resources. Failure to do so is grounds for disciplinary action up to and including termination of employment.
- J. The employee who has a positive test will be at risk for termination or other disciplinary action if he/she:
 - 1. Violates this policy;
 - 2. Exhibits behavior that is harmful or potentially harmful to residents, Adult Medical Day Care participants, inmates, or other employees;
 - 3. Has been evaluated for showing signs of impairment and fails to obtain professional treatment for an identified substance or alcohol abuse problem by a licensed professional;
 - 4. Refuses to provide documentation of alcohol rehabilitation treatment;
 - 5. Does not meet the goals of the treatment plan in a timely fashion;
 - 6. Violates this policy after treatment.
- K. Employees who determine they need rehabilitation services for drug or alcohol abuse shall be placed on sick leave under the terms of the pertinent contract or working conditions. He/she must present a plan of treatment from a medical professional, certified counselor, or an accredited treatment facility to the Director of Human Resources, who will forward said plan to the Occupational Health Department and the employee's O/DD. The employee may be required to present periodic documentation of ongoing treatment while he/she remains on sick leave.
- L. The County will provide educational programs that explain to employees the dangers of substance

abuse. Employees are encouraged to use the services of the Occupational Health Department or Employee Assistance Program (EAP) who can provide information on counseling and rehabilitation services available to the employee.

14-26 POLICY AGAINST WORKPLACE VIOLENCE.

Rockingham County has implemented a "Zero Tolerance Policy" concerning workplace violence. This policy is intended to create an environment that is safe and comfortable for County residents, clients and employees and is free from all forms of violence, hostility, retribution and intimidation. In this regard, acts or threats of physical violence, including intimidation, harassment and/or coercion, which involve or affect the County or take place on County property will not be tolerated.

- A. Acts or threats of violence include conduct that is sufficiently severe, offensive or intimidating to create a reasonable concern or fear for physical safety. Examples of workplace violence include, but are not limited to, the following:
 1. Threats or acts of violence occurring on County premises, regardless of the relationship between the parties involved.
 2. Threats or acts of violence occurring off County premises involving someone who is acting in the capacity of a representative of the County or threats or acts of violence involving an employee that affect the legitimate interests of the County.
 3. Any acts or threats of violence resulting in the conviction of an employee or agent of the County or of an individual performing services for the County on a contractual or temporary basis, under any criminal code provision relating to violence or threats of violence which adversely affect the interests and goals of the County.
 4. Specific examples of actions that may be considered threats or acts of violence include, but are not limited to, the following:
 - a. Hitting or shoving an individual
 - b. Threatening an individual or his/her family, friends, associates, or property with harm
 - c. The intentional destruction or threat of destruction of County property
 - d. Harassing or threatening phone calls
 - e. Harassing surveillance or stalking
 - f. The suggestion or intimation that violence is appropriate
 - g. Unauthorized possession or inappropriate use of firearms or weapons
- B. The County's prohibition against threats and acts of violence applies to all persons involved in the County's operation, including but not limited to County employees, contract and temporary workers, and anyone else on County property.
- C. Any person being threatened should be aware support is available. He/she should immediately contact the O/DD, Human Resources Department or Occupational Health Department for assistance.
- D. Violations of this policy by any individual on County property, by any individual acting as a representative of the County while off County property, or by an individual acting in violation off County property when his/her actions affect the County's interests, will lead to disciplinary action (up to and including termination) and/or legal action as appropriate.
- E. Firearms/Weapons. Employees are prohibited from carrying firearms or weapons on County property unless so authorized by their O/DD or required by their jobs.

- F. Duty to Warn. Every employee and person on County premises has a duty to warn the O/DD of any threats or acts of physical violence, aggressive behavior or similar offensive acts of which he/she reasonably believes is a threat against another person. If circumstances prohibit this response, report the behavior to the Director of Human Resources. All suspicious individuals or activities should also be reported as soon as possible to a supervisor.
- G. Do not place yourself in peril if you suspect violence or threats are taking place. If you see or hear a commotion or disturbance near your work area, do not try to intercede or see what is happening. The O/DD shall also transmit the details of the threat to the intended target as soon as possible.
- H. Investigations. The County will promptly and thoroughly investigate all reports of threats of or actual violence and of suspicious individuals or activities. The reporting and the information disclosed in the internal investigation will remain confidential to the extent possible, but may be disclosed on a need to know basis in order to thoroughly investigate and effectively resolve the matter. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the County may suspend employees, either with or without pay, pending investigation. The County will not condone any form of retaliation against any employee for making a report in good faith under this policy.
- I. Anyone determined to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination. The County will support criminal prosecution of those who threaten or commit work-related violence against our employees, persons under the County's care and visitors.
- J. All individuals who apply for or obtain a protective or restraining order which lists County property locations as being protected areas must provide the Director of Human Resources a copy of the petition and declarations used to seek the order, a copy of the temporary protective or restraining order which is granted and a copy of any protective or restraining order which is made permanent.
- K. Rockingham County encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or Human Resources before the situation escalates into potential violence. The County is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns.

14-27 E-MAIL, VOICE-MAIL AND INTERNET ACCESS.

The County provides computers, e-mail, voice mail, fax equipment and Internet access as essential tools to support its operations. It is the responsibility of each employee to ensure that this technology is used solely for proper County purposes and in a manner that does not compromise the County.

- A. All e-mail correspondence is the property of the County, regardless of where it may have originated. Employee e-mail communications are not considered private despite any such designation either by the sender or the recipient. Employees should be aware that messages sent to recipients outside the County, if sent over the Internet and not encrypted, are not secure. Accordingly, no County or client confidential information should be sent over the Internet except by County-approved means.
- B. The County reserves the right to monitor and examine the contents of all e-mail and voice mail, including an employee's mailbox, and Internet activity at the County's discretion and for any purpose. If you wish to communicate privately, do not use the County's systems.
- C. The existence of passwords and "message delete" functions do not restrict or eliminate the County's ability or right to access electronic communications. Even deleted messages may be recovered and

reviewed.

- D. Employees shall not share passwords or provide e-mail or voice mail access to an unauthorized user or access another user's e-mail or voice mailbox without authorization from the employee's O/DD.
- E. Employees who use their own equipment to connect to the County from outside County premises or from home should know that any communications that are delivered to or sent through the County systems may leave copies behind on the company system, are not private and are subject to all of the terms and provisions of this policy.
- F. Offensive, demeaning or disruptive messages are prohibited. This includes, but is not limited to, messages that are inconsistent with the County's policies concerning equal employment opportunity and sexual and other unlawful harassment.
- G. Messages sent to "All Employees" and other broadcast messages should not be used by employees without approval of the employee's O/DD. No employee shall send any voice or e-mail message anonymously or utilize any other employee's phone or computer to send messages.
- H. The County's computer network, including its connection to the Internet, is to be used primarily for County business and operations. Unauthorized use of the Internet is strictly prohibited. Unauthorized use includes, but is not limited to:
 - 1. Unauthorized entry or attempted unauthorized entry into other computer systems or areas of the County's system which the employee is not authorized to view;
 - 2. Attempting to disable or compromise the security of information contained on the County's computers;
 - 3. Intentionally introducing a virus or other mischievous software onto any the County's computer;
 - 4. Installing any software or program onto the County's system; and
 - 5. Downloading or posting of pornographic or sexually explicit material or inappropriate material relating to sex, race, color, national origin, ethnicity, sexual orientation, religion, age or disability.
- I. Internet messages should be treated as non-confidential. Anything sent through the Internet passes through a number of different computer systems, all with different levels of security. The confidentiality of messages may be compromised at any point along the way, unless the messages are encrypted.
- J. Subscriptions to news groups and mailing lists are permitted when the subscription is for a work-related purpose and authorized by the O/DD. Any other subscriptions are prohibited.
- K. Information posted or viewed on the Internet may constitute material subject to copyright. Therefore, reproduction of information posted or otherwise available over the Internet may be done only by express permission from the employee's O/DD who shall have the responsibility to assure there is not copyright violation.
- L. Unless the prior approval of the employee's O/DD has been obtained, users may not establish Internet or other external network connections that could allow unauthorized persons to gain access to the County's systems and information. These connections include the establishment of hosts with public modem dial-ins, World Wide Web home pages and File Transfer Protocol (FTP) servers.
- M. All files downloaded from the Internet must be checked for possible computer viruses. If uncertain whether your virus-checking software is current, you must check with an authorized MIS/Telecommunications Manager before downloading.

- N. The County cannot control what outsiders send to a user. If an employee has any questions about the appropriateness of a message, he/she should notify his supervisor and not open the message.
- O. Any employee who violates this policy shall be subject to discipline, up to and including termination.

CHAPTER 15 GRIEVANCE POLICY

15-1 APPLICABILITY OF GRIEVANCE POLICY.

This grievance policy does not apply if the employee is subject to Chapter 14-10 “Discharge, Removal and Suspension Procedure Pursuant to RSA 28:10-a” or if the employee is subject to a grievance procedure set forth in a collective bargaining agreement.

15-2 POLICY.

An employee who believes that he/she received inequitable or unjust treatment or discipline under these personnel policies, procedures and regulations or in violation of them, may appeal for relief to the County Commissioners in accordance with the procedures established in this Chapter. Failure of the employee to proceed in accordance with the procedures established herein shall constitute automatic withdrawal of the appeal. A record of the requests and all decisions will be kept in the employee's personnel file. Performance evaluations are not grievable beyond the O/DD level.

15-3 PROCEDURE.

Grievances shall be initiated within 10 calendar days of the incident from which the alleged grievance arose and shall be processed as provided in the following Steps and not otherwise:

- A. Step 1. The employee shall in the first instance discuss the grievance with the immediate supervisor within 10 calendar days to explore and possibly attempt to resolve the problem to the employee's satisfaction. If the employee is unable to resolve the grievance by discussing it with the immediate supervisor, he or she will discuss it with the next higher level superior until the next higher level superior is the O/DD.
- B. Step 2. The grievance must be submitted to the O/DD by the employee in writing within 5 calendar days following the discussion in Step 1. The O/DD shall respond to the grievance within 5 working days of receiving it. In the event the grievance is not resolved by the O/DD, the employee may proceed to Step 3.
- C. Step 3. The employee may submit the grievance within 5 calendar days after receipt of the Step 2 response to the Board of Commissioners in writing together with a letter stating that he/she has proceeded properly through Steps 1 and 2 along with any pertinent documentation. The Board of Commissioners shall hold a non-public hearing within 10 working days of receipt of the grievance and respond to the employee by rendering a decision or by scheduling a hearing as soon as possible, but no later than 30 calendar days from the receipt of the written grievance. The hearing shall be informal and the employee shall be allowed to present as much evidence bearing on the issues involved in the grievance as desired. The Board of Commissioners will render their decision within five working days.

15-4 DIVISION DIRECTOR GRIEVANCE POLICY.

A Division Director who believes that he/she has received inequitable or unjust treatment under these

policies and procedures, or that the same have been violated or that he/she has been discriminated against on the basis of age, sex, sexual orientation, national origin, marital status, race, disability (including section 504 of the Rehabilitation Act), religion, political belief or association or any other non-merit consideration may seek relief by utilizing the appeals process in accordance with the procedures established here. Failure of the Division Director to proceed in accordance with these procedures shall constitute automatic withdrawal of the appeal. A record of the requests and all decisions will be kept in the employee's personnel file. Grievances shall be initiated within 10 days of the incident from which the alleged grievance arose and shall be processed as provided in the following steps and not otherwise.

Step 1. The Division Director shall in the first instance discuss the grievance with the Chair of the Board of Commissioners to explore and attempt to resolve the problem to their mutual satisfaction. In the case that the complaint is about the Chair, the Vice-Chair shall be approached. If the Division Director is unable to resolve the grievance by discussing it, he/she will follow Step 2.

Step 2. The Division Director may appeal the Chair or Vice-Chair's decision before the Board of Commissioners by expressing his request in writing. The Division Director shall forward any pertinent documentation that might pertain to the issue in question. The Board of Commissioners will hold a non-public hearing, unless the employee requests it to be public, within 30 days of the receipt of said documents. The Board of Commissioners will render their decision within five working days. This decision is final except in case of termination.

15-5 RECORDS.

A record of all discussions and written documents pertaining to an employee's grievance shall be kept in the employee's personnel file in Rockingham County.

CHAPTER 16 EMPLOYEE BENEFITS

16-1 COVERAGE FOR HEALTH AND DENTAL INSURANCE.

- A. Full-time employees who are eligible under the health and dental insurance plans shall receive coverage by those plans. Any part-time employee who was hired prior to February 12, 1995, shall be grandfathered and continue to receive health and dental insurance coverage on the same level as full-time employees. Any part-time employee hired on or after February 12, 1995, will receive prorated benefit coverage for health and dental insurance. Any full-time or grandfathered part-time employee who has a reduction in hours of work on or after February 12, 1995, will receive prorated benefit coverage for health and dental insurance.
- B. Employees should apply for health and dental insurance within ten working days of the start of their employment. Failure to meet this deadline will require the employee to wait to enroll until the annual open enrollment period, unless there is an intervening qualifying event. Transfers to the County group may take place at any time when there is a qualifying event such as marriage, divorce, birth, and change in spouse or dependent coverage. Employees should contact Human Resources for any information about insurance.

16-2 HEALTH INSURANCE.

The County will make a contribution towards the cost of health insurance premiums for eligible employees as approved by the County Delegation under NH RSA 24:13-a annually. The County contributions shall begin on the date when the employee's enrollment is effective and discontinued upon termination of enrollment in the group, separation from County employment, change to other than a full-time or part-time position or when on a Leave of Absence Without Pay, unless on Family and Medical Leave or approved by the Board of Commissioners.

16-3 DENTAL INSURANCE.

The County will make a contribution towards the cost of dental insurance premiums for eligible employees as approved by the County Delegation under NH RSA sec. 24:13-a annually. The County contributions shall begin on the date when the employee's enrollment is effective and discontinued upon termination of enrollment in the group, separation from County employment, change to other than a full-time or part-time position or when on a Leave of Absence Without Pay, unless on Family and Medical Leave or approved by the Board of Commissioners.

16-4 HEALTH INSURANCE BUYOUT.

Any employee who is eligible for health insurance herein, but is covered under his/her spouse's insurance plan shall receive an amount established annually by the County Delegation in accordance with NH RSA sec. 24:13-a in addition to his/her regular compensation.

16-5 ACCIDENT AND LIFE INSURANCE.

The County will act as agent for employees who are eligible and who wish to buy accident or life insurance from an insurance carrier approved by the County.

16-6 RETIREMENT SYSTEM.

It is mandatory that all employees working a regular 35-hour workweek join the New Hampshire Retirement System. A summary of the benefits of the retirement system will be provided to each employee at the time of employment.

16-7 WORKER'S COMPENSATION.

Employees of Rockingham County are covered by state statutes providing for worker's compensation covering disability and death due to job-related injury or illness.

16-8 CREDIT UNIONS.

Any employee who is eligible may join and enjoy all of the benefits and privileges offered by the New Hampshire Federal Credit Union and Service Credit Union.

16-9 DEFERRED COMPENSATION PLAN.

Any employee who is eligible under the plan's terms may join and participate in the deferred payment compensation plan approved by the Board of Commissioners. See Human Resources for more information about the plan.

16-10 EMPLOYEE ASSISTANCE PROGRAM.

The County has instituted an Employee Assistance Program (EAP) to assist employees with personal issues. In some situations, an employee's personal issues may result in workplace problems. The County recommends the employee use the confidential EAP to deal with these issues. The County may refer an employee to the EAP if, for example, the employee displays a tendency to engage in

aggressive workplace behavior or who otherwise engages in behavior that the County, in its sole discretion, deems offensive or inappropriate.

CHAPTER 17 RECORDS

17-1 PURPOSE.

The County respects each employee's right to privacy and pledges to conduct its business in a manner that protects the rights and privacy of all employees. To achieve this goal, the County adopts the following policy, which is based upon three central objectives:

- A. To assure that all personal information collected by the County is necessary and relevant, and to prohibit unnecessarily intrusive methods of collecting information;
- B. To assure that the way records are used in making employment decisions is fair to individuals;
- C. To assure that the County establishes and maintains clear standards for protecting the confidentiality of records about individuals.

17-2 POLICY.

The County:

- A. Collects, uses, and retains only that personnel information which is required for business or legal reasons;
- B. Provides each employee with the opportunity to make sure that the contents of his/her personnel record is correct;
- C. Restricts the internal availability of personnel information to those with a valid business need-to-know;
- D. Releases personnel information outside the County only with employee approval, except to verify employment or to satisfy legitimate investigatory or legal needs. All records concerning an employee's employment with the County are County property and will be maintained by the County. These records are an employee's employment history and no document shall be removed without the approval of the Board of Commissioners.

17-3 CONFIDENTIALITY.

All information concerning employees is treated as confidential, and breach of confidentiality concerning employee information is cause for disciplinary action, including termination.

17-4 PERSONNEL FILES.

- A. The Director of Human Resources is responsible for maintaining an official personnel file for each employee. Personnel files shall contain original documentation including applications for employment, results of any qualification tests or examinations, employment history and current status, commendations, record of disciplinary actions, training records and any other record pertaining to the employee's performance, behavior and employment relationship with the County. The Director of Human Resources will periodically review information in each employee's file for the purpose of adding or updating required information.

- B. O/DDs may maintain an employment file on each employee in their charge that shall include performance evaluations, attendance records, notes, memos, letters, or other information relating to an employee's job performance. The O/DD is responsible for periodically reviewing employee files in order to identify dated or inappropriate information and/or required information that should be added or updated. However, the Director of Human Resources shall be notified immediately of any intention to add, remove or modify information in any employment record or file that is maintained on an employee. O/DDs shall maintain employee files in a locked, secure location with restricted access. All requests for information about a current or former employee shall be immediately referred to the Director of Human Resources.

17-5 MEDICAL RECORDS.

All employee medical records will be maintained in a locked, secure location separate from personnel files. Upon giving reasonable notice to the Director of Human Resources, employees may review medical information contained in their medical file. Employee medical information concerning work-related disability or work restrictions will be made available to O/DDs and supervisors on a need-to-know basis only. Medical information regarding an employee will be released only with the employee's consent or to meet appropriate legal requirements.

17-6 PAYROLL RECORDS.

The Finance Director is responsible for maintaining an official payroll file for each employee. Payroll files shall contain original documentation as required by the Finance Director including but not limited to payroll change notices and support, deduction authorizations, pay authorizations including buyout and on call, workers compensation, disability, FMLA pay and leave authorizations, collection/billing agreements, administrative leave approvals, leave without pay authorizations, pay and benefit exceptions approved by the Board of Commissioners, and any other financial matters that may arise concerning each individual employee.

17-7 RETENTION OF RECORDS.

The Director of Human Resources shall draw up guidelines concerning the retention of personnel records in compliance with record-keeping requirements under law. The personnel file of former employees shall be retained for at least three years following separation from the County service. Employee medical records shall be retained for thirty years following separation from the County service.

17-8 EMPLOYEE ACCESS TO PERSONNEL FILES.

- A. Upon giving reasonable notice to the Director of Human Resources, an employee may view the material in his/her personnel files in the presence of the Director of Human Resources or designee at a mutually agreeable time during normal business hours, unless such material is exempt from disclosure under N.H. statute or is otherwise privileged or confidential by law. Employees may request copies, in writing, for which a nominal fee may be charged. Employees may request a photocopy of an individual document in their department file from their O/DD. No employee may have access to the personnel file of another employee. A supervisor, for good cause, may be allowed access to personnel files under the direct supervision of the Director of Human Resources or designee or the appropriate O/DD or designee.
- B. If an employee disagrees with any of the information contained in his/her official personnel file and the employee and the County cannot agree upon removal or correction of such information, then the employee may submit a written statement explaining his/her version of the information, along with any supporting evidence which will be attached to the specific document in question. The employee's statement shall become a part of his/her personnel file.

17-9 LEAVE RECORDS.

The maintenance of daily attendance and leave records on each employee is the responsibility of the O/DD in coordination with the Finance Director. The record of each employee's leave, used and earned, shall be forwarded to the Finance Office with each department's biweekly payroll report and, when indicated, to the Director of Human Resources.

17-10 DOCUMENTATION OF PERSONNEL ACTIONS.

All personnel decisions and actions shall be in writing and such written documents shall be maintained in the employee's personnel file in Human Resources and, when appropriate, in the files of the Board of Commissioners and Finance Department.

17-11 PERSONNEL ACTIONS INITIATED BY THE COUNTY.

Personnel actions or decisions initiated by the O/DD or an O/DD designee which are subject to documentation shall include, but are not limited to, appointments, completion of initial evaluation period, classification changes, step increases, suspensions, dismissals, transfers, disciplinary actions, grievances, and any other actions or decisions initiated by the O/DD or an O/DD designee. The O/DD or O/DD designee shall inform the Director of Human Resources of said actions in writing, along with any original documentation, in a timely manner.

17-12 INFORMATION FROM THE EMPLOYEE.

Each employee should notify Human Resources in writing of his/her resignation, change in name, address or telephone number, and training and educational programs successfully completed and any other personal information relevant to employment.

**CHAPTER 18
AMENDMENTS**

18-1 AMENDMENTS.

Amendments to the County Personnel Policies, Procedures and Regulations may be made at any time by a majority vote of the members of the Board of Commissioners or based on recommendations from the County Management Team.

18-2 PETITIONS FOR AMENDMENT.

The County Management Team shall consider all petitions for amendment submitted by individual members of the Team, by a Division Director or by the Employee Advisory Committee. All petitions should be presented in a County Management Team meeting for discussion and approval before it is posted.

18-3 MANNER OF PETITIONING.

All petitions must be typewritten on a form prepared and provided by the Director of Human Resources for that purpose. The petition must state the paragraph and section numbers of the section to be

amended, the exact wording of that section, the exact wording of the proposed amendment, and the exact wording of the section with the proposed amendment incorporated and the reason for the amendment setting forth the problem with the section as it now reads and what purpose is expected to be served by the amendment. All petitions must be submitted to the County Management Team to be voted upon for the 30-day posting. Petitions must be submitted to the Director of Human Resources.

18-4 POSTING.

All petitions for amendments shall be posted in each department in a conspicuous place not less than 30 calendar days prior to any action by the County Management Team. In the event the County Management Team has decided to have a hearing on the amendment, the date, time, and place of the hearing will be included in the notice.

18-5 FINAL POSTING.

The recommendations of the County Management Team shall be referred to the Board of Commissioners for action. The Board of Commissioners will vote to accept or reject the amendment after it has been posted for the required 30 days.

18-6 HEARING AND DECISION.

The County Management Team may schedule a hearing on any petition for amendment if, in the Team's judgment, a petition for amendment may best be considered by a public exchange of ideas and presentation of a wide range of employee opinions before a vote is taken.

18-7 TESTIMONY REVIEW.

The County Management Team shall review all the information and testimony whether submitted in writing or presented as testimony at a hearing prior to making a recommendation to the Board of Commissioners. Written testimony must be received by the Human Resources Department by the date of hearing.

**COUNTY OF ROCKINGHAM
PETITION FOR AMENDMENT**

Date: ____/____/____

Requested by:

County Management Team

Member(s) _____

Official(s) _____

Employee Advisory Committee _____

Signature of individual _____

Amendment to:

Chapter: _____

Section: _____

Paragraph: _____

Present wording of item to be changed:

Proposed wording of item being changed:

Date of Posting: ____/____/____ Final day of Posting ____/____/____

Hearing Date: ____/____/____ Time: _____ Place: _____

County Management Team vote to approve/disapprove posting? ____

**PERSONNEL
POLICIES, PROCEDURES AND REGULATIONS
MANUAL REVISIONS**

March 9, 1992: Revised and Adopted by the Rockingham County Personnel Commission. Includes all revisions and corrections through October 1993.

December 28, 1993: Rockingham County Commissioners Voted to Replace the Existing County Personnel Commission with the Board of County Commissioners.

February 14, 1994: Rockingham County Board of Commissioners voted to Create a Personnel Commission to be Composed of the County Commissioners, the Sheriff, the Register of Deeds, the County Attorney, the Treasurer, the Superintendent of the Nursing Home, the Superintendent of Corrections, the Superintendent of Maintenance and a Representative of Rockingham County Employees selected by the Employees Advisory

Committee. The Human Resources Director will serve as Coordinator and Facilitator for the Rockingham County Personnel Commission.

December 11, 1995: Personnel Commission shall be composed of the County Commissioners, the Sheriff, the County Attorney, the Register of Deeds, County Treasurer, the Administrator of the Nursing Home, the Superintendent of Corrections, the Superintendent of Maintenance, Fiscal Officer, the Director of Human Services and a representative of the Rockingham County employees selected by the Employees Advisory Committee. The Personnel Commission shall select its own Chair by a majority vote. The Personnel Commission shall be responsible for the maintenance and enforcement of the Policies and Procedures governing employee/employer relations and Rockingham County personnel. The Director of Human Resources will serve as the coordinator and facilitator for the Rockingham County Personnel Commission. The Director of Human Resources will, however, continue to be supervised by and report to the Board of County Commissioners (section revised 2/14/94 and 12/11/95).

December 10, 1996: The Rockingham County Board of Commissioners voted to dissolve the Personnel Commission in its' present makeup and authority; that the Personnel Policies be changed to read as approved by the Board of Commissioners, that only re-grades which have been approved by the Board of Commissioners be eligible for change in the 1997 budget, and that a new County Management Team be established with the membership being the same as the present Commission but with advisory authority only. Once the County Management Team has made a recommendation, the recommendation must be acted on by the Board of Commissioners and the vote of the majority of the Board, in a public meeting, will be the final authority.

January 21, 1997: The language used in this manual should not be construed as creating a contract, express or implied, between Rockingham County and any of its employees, or as a guarantee of employment for any special duration.

The Board of Commissioners voted to reinstate the final authority of the County Management Team as indicated in the grievance policy.

January 1, 1998: The Board of Commissioners voted to adopt a series of changes to the Manual, the most significant of which were: Safety policy, Smoking policy, ADA policy and the Division Director grievance policy. Includes all revisions through December, 1997.

January 1, 1999: The Board of Commissioners voted to adopt three (3) changes to the manual. They are as follows: 1. To allow an employee to join the Emergency Leave Bank after one year of employment. 2. To allow sick leave usage to care for a spouse only under circumstances where the employee would qualify for leave under the FMLA eligible criteria. 3. Removed an exception to the Emergency Leave Bank policy regarding maternity leave.

January 1, 2000: The Board of Commissioners voted to change the longevity pay policy.

March 21, 2000: The Board of Commissioners voted to adopt six (6) changes to the manual. They are as follows: 1. Reducing minimum meeting requirement of the Safety Committee from ten (10) to six (6) meetings per year. 2. To clarify that the EAC elections will be held annually on or about June 1st giving the representative a one year term. 3. Streamlined approval process of Leave Without Pay Requests and delegate authority for two (2) weeks or less LWOP to O/DD. 4. Requiring retiring employees to give two (2) weeks notice in order to be considered in good standing. 5. and 6. Add language that performance evaluations are not grievable to Chapters 11 and 14. (This language was already listed in Chapter 13 but added to these other two (2) applicable Chapters)

February 16, 2001: The Board of Commissioners voted to expand the Policy For a Drug Free Workplace in Chapter 1-4 and to expand the definition of improper or unprofessional staff behavior located in Chapter 13-4 Misconduct Subject to Disciplinary Action.

April 6, 2001: The Board of Commissioners voted to adopt the Policy Against Workplace Violence.

April 2, 2002: The Board of Commissioners voted to adopt a series of changes to Chapter 7 including incorporating the Earned Time language into the policies and removing references to vacation, sick leave and personal days. The Safety, Employee Advisory Committee and Fitness for Duty and Return to Work Examinations Policies were revised also.

October 29, 2002: The Board of Commissioners voted to adopt a series of changes to more accurately describe exceptions to the policy and the duties of the County Management Team as well as revising the County Grievance Policies to include Federal Section 504 grievances.

September 30, 2003: The Board of Commissioners voted to adopt a fully reviewed and restructured Manual with a new Emergency Transportation Procedure and revised FMLA chapter.

December 4, 2003: The Board voted to expand the Military Leave Chapter adding Section D.

December 23, 2003: The Board approved two revisions to Chapter 6 as follows: the workweek definition in Section 15 B was revised to reflect current department titles and workweeks and the shift differential policy in Section 14 was revised to reflect current practise.

January 13, 2004: Chapter 6 Section 4 was revised by the Board of Commissioners to standardize the passing annual evaluation score County-wide, as well as clarify the length of time an employee must have worked in the anniversary year in order to be eligible for step increase consideration.

February 18, 2004: The Delegation approved funding for the Board of Commissioners' revision to Chapter 6 Section 11. This added the award of a \$1,000 longevity payment to employees with 25 years of service or more.

January 1, 2005: The Board added policy that allowed employees hired on or after January 1, 2005 to accrue up to 60 days of Earned Time with a payout schedule based on years of service. The day of observance for holidays for 24 operation personnel was clarified.

December 27, 2006: The Board voted to amend the initial evaluation period for all applicable County employees to a minimum of one year.

April 24, 2007: The Board revised the Employment of Relatives chapter 9-9

May 22, 2007: The Board revised the Earned Time policy to cap all Earned Time at 10 pay periods for those hired on or prior to 12/31/04. Allowing employees a one time opportunity on 12/31/07 to transfer all time above that amount (with an additional option of 4 extra weeks) into excess Earned Time accounts; they also approved a 100% pay out in emergency situations of ET and allow pay out of three weeks of Earned Time on an annual basis under certain circumstances.

June 5, 2007:

July 30, 2008: A Reduced Work Schedule policy was added which requires Board approval, and lists conditions which must be demonstrated, in order for an employee to permanently work reduced hours in their current position. Revisions to compliment the new policy were made to the definitions of Full time, Part time and Intermittent employee as well as Lateral Transfer. Clarifying revisions were also made to the Overtime, Hours of Work and Meal Periods policies.

July 15, 2009: Changes were made to the Fitness for Duty Exams Chapter 8-12 to comply with Federal law.

May 27, 2010: A new comprehensive Anti-Discrimination/Harassment policy replaced the previous Harassment policy.

September 1, 2010: Updates were made to the Disciplinary Action and Rules of Conduct chapter to address the RSA 28:10A employee's appeal rights. Discrimination categories were moved from the Grievance Chapter to the Harassment Policy and the Grievance procedure was ended with the appeal to the Board of Commissioners.

January 13, 2011: The Board of Commissioners voted to revise Section 6-14 Shift Differential to remove payment of shift differential on non-worked hours effective April 10, 2011, excluding Union Corrections Officers and Dispatchers.

March 9, 2011: Section 8-2 J (Emergency Earned Time Payout and Annual July Earned Time Payout) was removed.

April 7, 2011: The Board of Commissioners amended the effective date of Chapter 6-14 Shift Differential changes for Corrections Corporals and Sergeants.

May 4, 2011: The Board of Commissioners voted to amend Section 6-14 Shift Differential to clarify that differentials will be paid for actual hours worked during each shift, excluding first shift weekdays.

October 5, 2011: Chapter 7-6 was added to the Personnel Policies allowing breaks for Nursing Mothers.

January 11, 2012: Chapter 8-1 was revised to include all leaves of absence are subject to no further accrual of ET or holidays after 30 days of leave.

February 8, 2012: Chapters 8, Sections 9, 10 and 13 were revised to include policies regarding the following federal laws: FMLA Armed Forces Family Member Leave, FMLA Armed Forces Caregiver Leave, New Hampshire Maternity Leave and Crime Victim Leave.

January 4, 2013: Chapters 7 and 17 were revised to clarify duties and record keeping of various departments. The Chapter 8-3 Sick Pool program was revised.

April 5, 2016: The Board approved to replace all instances of "Martha Roy" in the Personnel Policies and Procedures with "Human Resources Director".

April 13, 2016: The Board of Commissioners voted to adopt the Call-In Policy and incorporate into the Personnel Policies and Procedures as Chapter 16-6, with the current policy *Change in the Law* renumbered to 6-17.

May 25, 2016: The Board of Commissioners voted to add Chapter 6-14 section A. Weekend Differential. The manual revision section was updated to include Board of Commissioners votes taken on January 13, April 7,

and May 4, 2011.

February 22, 2017: The Board of Commissioners voted to amend Chapter 7-5 A to add an annual requirement for each department to provide a list of essential positions to Human Resources. Chapter 7-5 B and C were amended to change language referring to “Earned Time” to “accrued time”. Additionally, language relating to O/DD’s discretion for essential personnel to arrive late or depart early was removed. Chapter 7-5 C was amended to clarify language.

February 22, 2017: The Board of Commissioners voted to amend Chapter 8-1 to clarify leave request submissions and to provide language related to the accrual of Earned Time when in any leave of absence status. Chapter 8-2 E2 was amended to provide language relating to planned absence request and approval. Chapter 8-2 H1 was amended to change “100 days” to “10 pay periods”. Chapter 8-2 H2 was amended to clarify years of service for payout at end of employment with an example. Chapter 8-2 H3 was amended to clarify language. Chapter 8-2 I was amended to designate “layoff” as end of employment, and provide for payment of Earned Time at 100% at time of Layoff.

February 22, 2017: The Board of Commissioners voted to amend Chapter 11-6 B to clarify resignation notice requirements.

March 8, 2017: The Board of Commissioners voted to amend the previously approved revision of Chapter 8-2 H3 to remove the word “resigns”. Further to amend the vote of February 22, 2017 in which Chapter 8-2 E was inadvertently presented as Chapter 8-2 A.

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